

## Session 122 - (2017-2018)

### S 0754 General Bill, By Setzler and Massey

**Summary:** Amendment to SC Code of Laws of 1976; Title 02 and Title 58

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-33-300 TO DISALLOW RECOVERY OF COSTS FOR A BASE LOAD REVIEW PLANT NOT CURRENTLY GENERATING POWER; TO AMEND SECTION 58-31-30(A)(13) TO PROHIBIT THE PUBLIC SERVICE AUTHORITY FROM INCLUDING COSTS FOR A JOINTLY OWNED PROJECT THAT IS SUBJECT TO AN EXISTING BASE LOAD REVIEW ORDER; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO REDUCE ELECTRIC RATES FOR SOUTH CAROLINA ELECTRIC & GAS BY EIGHTEEN PERCENT FOR THE PORTION ATTRIBUTABLE TO THE ABANDONED NUCLEAR UNITS; TO PROHIBIT THE PUBLIC SERVICE AUTHORITY FROM CHARGING IN ITS RATES THE FOUR AND THREE-TENTHS PERCENT ATTRIBUTED TO THE ABANDONED NUCLEAR UNITS; TO AMEND SECTION 58-33-220(20) TO INCLUDE THE PUBLIC SERVICE AUTHORITY IN THE DEFINITION OF "UTILITY" IN THE BASE LOAD REVIEW ACT; TO AMEND SECTION 58-33-225 TO DELETE THE PROVISIONS RELATED TO ABANDONMENT; TO AMEND SECTION 58-33-275(A) TO REQUIRE THAT THE UTILITY PROVIDE ALL RELEVANT INFORMATION TO THE OFFICE OF REGULATORY STAFF AND THE PUBLIC SERVICE COMMISSION FOR A BASE LOAD REVIEW ORDER TO BE A FINAL AND BINDING DETERMINATION AND TO PROVIDE THAT ANY PARTY MAY CHALLENGE A BASE LOAD REVIEW ORDER IF A UTILITY FAILS TO SATISFY THE ESTABLISHED PARAMETERS IN THIS SECTION, WITH THE UTILITY BEARING THE BURDEN OF PROOF; TO AMEND SECTION 58-33-277(A) TO REQUIRE A UTILITY TO PROVIDE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY FOLLOWING THE ISSUANCE OF A BASE LOAD REVIEW ORDER, AS WELL AS ANY OTHER INFORMATION THE GENERAL ASSEMBLY MAY REQUIRE; TO AMEND SECTION 58-33-280(K) and (L) TO DELETE THE PROVISIONS RELATED TO ABANDONMENT; TO AMEND SECTION 58-3-5(1) TO REVISE THE DEFINITION OF "BUSINESS WITH WHICH HE IS ASSOCIATED;" TO AMEND SECTION 58-3-20 TO REDUCE THE NUMBER OF PUBLIC SERVICE COMMISSIONERS TO FIVE MEMBERS, AND TO REMOVE QUALIFICATION EXCEPTIONS; TO AMEND CHAPTER 3 OF TITLE 58 TO ADD SECTION 58-3-21 TO REQUIRE THE PUBLIC SERVICE COMMISSION TO BALANCE CONCERNS OF THE CONSUMER, ECONOMIC DEVELOPMENT AND JOB ATTRACTION AND RETENTION, AND THE PRESERVATION OF THE FINANCIAL INTEGRITY OF THE STATE'S PUBLIC UTILITIES; TO AMEND SECTION 58-3-60 TO REMOVE THE PROHIBITION ON THE COMMISSION'S ABILITY TO INSPECT, AUDIT, OR EXAMINE PUBLIC UTILITIES; TO AMEND SECTION 58-3-70 TO PROVIDE THAT THE SALARY FOR EACH COMMISSIONER MUST BE THE SAME AMOUNT AS ESTABLISHED FOR A CIRCUIT COURT JUDGE; TO AMEND SECTION 58-3-130 TO PROVIDE THAT THE COMMISSION MAY DEMAND CERTAIN INFORMATION, AND THAT THE INFORMATION MUST BE FURNISHED TO THE COMMISSION; TO AMEND SECTION 58-3-140 TO ADD A SUBSECTION REQUIRING THE COMMISSION TO SUPERVISE AND REGULATE ANY JOINT OWNERSHIP PROJECT AND FACILITY, IN ITS ENTIRETY, BETWEEN A PUBLIC UTILITY AND THE PUBLIC SERVICE AUTHORITY; TO AMEND SECTIONS 58-3-190 AND 58-3-200 RELATED TO THE COMMISSION'S ABILITY TO INSPECT, AUDIT, OR EXAMINE ENTITIES SUBJECT TO THE COMMISSION'S JURISDICTION; TO AMEND SECTION 58-3-225 TO REQUIRE EACH PARTY TO PROVIDE TO THE COMMISSION ALL INFORMATION RELEVANT TO A MATTER PENDING BEFORE THE COMMISSION AND TO PROVIDE A PENALTY FOR A WILFUL AND INTENTIONAL FAILURE TO PROVIDE THAT INFORMATION; TO AMEND SECTION 58-4-5(1) TO REVISE THE DEFINITION OF "BUSINESS WITH WHICH HE IS ASSOCIATED;" TO AMEND SECTION 58-4-10 TO REQUIRE THE OFFICE OF REGULATORY STAFF TO REPRESENT THE PUBLIC INTEREST BEFORE THE PUBLIC SERVICE COMMISSION; TO AMEND SECTION 58-4-20 TO ADD A CONSUMER ADVOCATE TO THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 58-4-30(A) TO AMEND QUALIFICATIONS FOR THE EXECUTIVE DIRECTOR FOR THE OFFICE OF REGULATORY STAFF; TO AMEND SUBSECTION 58-4-50(A) TO DELETE THE REQUIREMENT THAT THE OFFICE OF REGULATORY STAFF HAS THE SOLE RESPONSIBILITY TO MAKE INSPECTIONS, AUDITS, OR EXAMINATIONS OF PUBLIC UTILITIES AS REQUESTED BY THE COMMISSION; TO AMEND SECTION 58-4-55 TO GIVE THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF THE ABILITY TO ISSUE SUBPOENAS AND SUBPOENAS DUCES TECUM, AND TO PROVIDE A PENALTY FOR A WILFUL AND INTENTIONAL FAILURE TO PROVIDE INFORMATION; TO AMEND SUBSECTION 58-31-20(A) TO PROVIDE QUALIFICATIONS AND REVISE THE LENGTH OF TERMS FOR THE PUBLIC SERVICE AUTHORITY; TO AMEND SECTION 58-31-30(A)(14) TO REQUIRE A REVIEW BY THE JOINT BOND REVIEW COMMITTEE AND AN APPROVAL BY THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR ALL BONDS ISSUED IN EXCESS OF FIFTY PERCENT OF THE PUBLIC SERVICE AUTHORITY'S BONDING CAPACITY, AND TO REQUIRE THE PUBLIC SERVICE AUTHORITY TO NOTIFY THE JOINT BOND REVIEW COMMITTEE OF BONDS LESS THAN THIS AMOUNT; TO AMEND SECTION 58-31-30(B) TO REMOVE THE RESTRICTION ON THE PUBLIC SERVICE AUTHORITY TO EVALUATE THE FEASIBILITY OF A SALE, LEASE,

TRANSFER, DISPOSAL, OR CONVEYANCE; TO AMEND 58-31-60 TO PROHIBIT THE PUBLIC SERVICE AUTHORITY FROM OFFERING RETIREMENT OR DEFERRED COMPENSATION PROGRAMS THAT ARE NOT ADMINISTERED BY THE SOUTH CAROLINA PUBLIC EMPLOYMENT BENEFIT AUTHORITY; TO AMEND CHAPTER 31, ARTICLE 1 OF TITLE 58 BY ADDING SECTION 58-31-205 TO REQUIRE JOINTLY OWNED PROJECTS BETWEEN THE PUBLIC SERVICE AUTHORITY AND A PRIVATELY OWNED ELECTRIC UTILITY TO BE SUBJECT TO REVIEW AND REGULATION BY THE PUBLIC SERVICE COMMISSION; TO AMEND CHAPTER 1 OF TITLE 2 BY ADDING SECTION 2-1-260 TO REQUIRE DEPARTMENTS, BUREAUS, OFFICERS, COMMISSIONS, INSTITUTIONS, AND OTHER AGENCIES OR UNDERTAKINGS OF THE STATE TO PROVIDE INFORMATION TO THE PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON REQUEST, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE, AND TO PROVIDE PENALTIES; TO AMEND SECTION 58-3-520 TO REVISE THE MEMBERSHIP FOR THE PUBLIC UTILITIES REVIEW COMMITTEE, SO AS TO PROVIDE FOR TWELVE MEMBERS AND FOR QUALIFICATIONS REGARDING ITS MEMBERSHIP; TO REPEAL SECTION 58-3-10; TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM RECEIVING OR REVIEWING A BASE LOAD REVIEW APPLICATION FILED ON OR AFTER NOVEMBER 21, 2017; TO PLACE THE BURDEN OF PROOF ON A UTILITY REQUESTING RATE RECOVERY UNDER THE BASE LOAD REVIEW ACT IN A PROCEEDING BEFORE THE PUBLIC SERVICE COMMISSION; TO DIRECT THE PUBLIC UTILITIES REVIEW COMMITTEE TO CONSIDER THE STATE ENERGY ACTION PLAN IN ITS REVIEW OF THE PUBLIC SERVICE COMMISSION AND THE OFFICE OF REGULATORY STAFF BEGINNING ON JANUARY 1, 2019; AND TO PROVIDE FOR STAGGERED ELECTIONS FOR THE COMMISSIONERS OF THE PUBLIC SERVICE COMMISSION.

**12/06/17 Senate Prefiled**

**12/06/17 Senate Referred to Committee on Judiciary**

**01/09/18 Senate Introduced and read first time (Senate Journal-page 33)**

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