

**BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA**

CM #18-02

January 24, 2018

2:00 ~ 2:18 P.M.

COMMISSION MEMBERS PRESENT: Swain E. WHITFIELD, *Chairman*; Comer H. ‘Randy’ RANDALL, *Vice Chairman*; and COMMISSIONERS John E. ‘Butch’ HOWARD, Elliott F. ELAM, Jr., Robert T. ‘Bob’ BOCKMAN, and G. O’Neal HAMILTON

COMMISSION MEMBERS ABSENT: Commissioner Elizabeth B. ‘Lib’ FLEMING

ADVISOR TO COMMISSION: Joseph Melchers, Esq.
GENERAL COUNSEL

PRESENTING AGENDA: James Spearman, Ph.D.
EXECUTIVE ASSISTANT TO COMMISSIONERS

STAFF PRESENT: F. David Butler, Esq., Senior Counsel; B. Randall Dong, Esq., and Josh Minges, Esq., Legal Staff; John Powers and Thomas Ellison, Technical Advisory Staff; Janice Schmieding, Clerk’s Staff; and Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter.

**TRANSCRIPT / MINUTES
OF
COMMISSION BUSINESS MEETING**

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

101 EXECUTIVE CENTER DRIVE
COLUMBIA, SC 29210

POST OFFICE BOX 11649
COLUMBIA, SC 29211

WWW.PSC.SC.GOV

I N D E X

	PAGE
<u>NEXT COMMISSION MEETING SET</u>	3
<u>UTILITIES AGENDA</u>	3
<i>Item #8</i>	
Question/Comment by Chairman Whitfield	10
<i>Item #9</i>	
Question/Comment by Commissioner Elam	12
<u>TRANSPORTATION AGENDA</u>	13
<i>Item #11</i>	
Question/Comment by Vice Chairman Randall	15

In accordance with S.C. Code § 30-4-80(E), the Public Service Commission hereby certifies that it has notified all persons, organizations, local news media, and all other news media requesting notification of the time, date, place, and agenda of this public meeting, by posting a copy of the Notice in its principal office, by e-mailing such Notice to all who request same, and by posting the Notice on the Commission's official Internet website.

P R O C E E D I N G S

1
2 **CHAIRMAN WHITFIELD:** Please be seated. I'll
3 call this Commission Meeting to order and ask that
4 we pause for a moment of silent meditation.

5 [Brief pause]

6 Amen.

7 Dr. Spearman.

8 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
9 our first order of business would be to set the
10 next Commission Meeting. If we stay on our regular
11 schedule, it will be Wednesday, January 31st, at 2
12 in the afternoon.

13 **CHAIRMAN WHITFIELD:** Sounds good, Dr.
14 Spearman.

15 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
16 on the Utility Agenda, Item 1, Docket No. 2006-278-
17 C, it's the Fourth Amendment to an Interconnection
18 Agreement.

19 **COMMISSIONER ELAM:** Mr. Chairman?

20 **CHAIRMAN WHITFIELD:** Commissioner Elam.

21 **COMMISSIONER ELAM:** Mr. Chairman, I move we
22 approve the Fourth Amendment to the Interconnection
23 Agreement between BellSouth Telecommunications,
24 LLC, d/b/a AT&T South Carolina, and TelCove
25 Operations, LLC. This will include approving the
26 name change of "TelCove Operations, Incorporated"
27 to "TelCove Operations, LLC"; deleting Lifeline and
28 Link Up services; setting forth a new intercarrier
29 compensation rate; changes to the sections on
30 Forbearance; and changes to Customer Information
31 Services. So moved, Mr. Chairman.

32 **CHAIRMAN WHITFIELD:** Thank you, Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Elam.

Commissioners, you've heard Commissioner Elam's motion. Is there any discussion?

[No response]

Hearing none, all those in favor, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Item 2, Docket No. 2013-403-C, this is the First Amendment to an Interconnection Agreement.

VICE CHAIRMAN RANDALL: Mr. Chairman.

CHAIRMAN WHITFIELD: Commissioner Randall.

VICE CHAIRMAN RANDALL: Mr. Chairman, I move that we approve the First Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC, doing business as AT&T, and Zayo Group, LLC. It includes, among other things: delete Lifeline and Link Up services, changes to Termination After Initial Term Expiration, changes to Customer Information Services, and changes to Structure Access. So moved, Mr. Chairman.

CHAIRMAN WHITFIELD: Thank you.

You've heard Commissioner Randall's motion, Commissioners. Is there any discussion or are there any questions of Commissioner Randall, regarding his motion?

[No response]

If not, all those in favor, please, say "aye"?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: In Item 3, Docket No. 1997-219-C, this is a Third Amendment to an Interconnection Agreement.

COMMISSIONER BOCKMAN: Mr. Chairman?

CHAIRMAN WHITFIELD: Commissioner Bockman.

COMMISSIONER BOCKMAN: Thank you, Mr. Chairman. I have a motion, and I move that we approve the Third Amendment to the Interconnection Agreement between BellSouth Telecommunications, LLC, doing business as AT&T South Carolina, and ALEC, LLC. Among other things, this amendment makes changes to the intercarrier compensation rates. I so move.

CHAIRMAN WHITFIELD: Thank you.

You've heard Commissioner Bockman's motion. Is there any discussion?

[No response]

If not, all those in favor, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Item 4, Docket No. 2017-308-C, SQF, LLC, Application to provide telecommunications services and for flexible regulation.

COMMISSIONER HAMILTON: Mr. Chairman.

CHAIRMAN WHITFIELD: Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chairman, I would

1 move to approve the Application of SQF, LLC, to
2 provide facilities-based local exchange service.
3 So moved, sir.

4 **CHAIRMAN WHITFIELD:** Thank you.

5 You've heard Commissioner Hamilton's motion.
6 Is there any discussion?

7 [No response]

8 Hearing none, all those in favor of
9 Commissioner Hamilton's motion, please, say "aye"?

10 **COMMISSIONERS:** Aye.

11 **CHAIRMAN WHITFIELD:** Any opposed?

12 [No response]

13 Motion carries.

14 **DR. SPEARMAN:** Item 5, Docket No. 2017-363-C,
15 the Application of Airus, Incorporated, for
16 telecommunications services. We have a Petition to
17 Intervene.

18 **COMMISSIONER HAMILTON:** Mr. Chairman.

19 **CHAIRMAN WHITFIELD:** Commissioner Hamilton.

20 **COMMISSIONER HAMILTON:** Mr. Chairman, I move
21 to grant the Petition to Intervene filed on behalf
22 of the South Carolina Telephone Coalition. So
23 move, Mr. Chairman.

24 **CHAIRMAN WHITFIELD:** Thank you, Commissioner
25 Hamilton.

26 You've heard Commissioner Hamilton's motion.
27 Are there any questions or any discussion?

28 [No response]

29 If not, all those in favor of Commissioner
30 Hamilton's motion, please, say "aye"?

31 **COMMISSIONERS:** Aye.

32 **CHAIRMAN WHITFIELD:** Any opposed?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

[No response]

Motion carries.

Dr. Spearman.

DR. SPEARMAN: Item 6, Docket No. 2006-331-G, we have a request for approval of service agreements for firm gas with the Palmetto Corporation Bishopville facility and its Conway facility.

COMMISSIONER HOWARD: Mr. Chairman.

DR. SPEARMAN: That should be the Florence facility.

CHAIRMAN WHITFIELD: Commissioner Howard.

COMMISSIONER HOWARD: I move we approve the Service Agreement for Firm Gas with Conway's Bishopville Facility and a Service Agreement for Firm Gas with Palmetto Corporation of Conway, their Florence Facility, between them and SCE&G Company – South Carolina Electric & Gas Company. That's my motion, Mr. Chairman.

CHAIRMAN WHITFIELD: Thank you.

You've heard Commissioner Howard's motion. Are there any questions?

[No response]

If not, all those in favor of Commissioner Howard's motion, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Item 7, Docket No. 2017-292-WS, this is the Carolina Water Service Application for increase in rates. We have a Petition to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Intervene.

COMMISSIONER BOCKMAN: Mr. Chairman?

CHAIRMAN WHITFIELD: Commissioner Bockman.

COMMISSIONER BOCKMAN: Thank you, sir. I move that we grant the Petition to Intervene filed on behalf of Forty Love Point Homeowners' Association. I so move.

CHAIRMAN WHITFIELD: Thank you, Commissioner Bockman.

You've heard Commissioner Bockman's motion. If there are no questions regarding his motion, I'm going to call for the vote. All those in favor of Commissioner Bockman's motion, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: In Item 8, Docket No. 2017-2-E, South Carolina Electric & Gas Company requesting waiver of Commission Order which allowed updates of its PR-2 rate twice a year.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN WHITFIELD: Commissioner Elam.

COMMISSIONER ELAM: Mr. Chairman, we have this motion from SCE&G to waive updating its PR-2 rate the second time this year. ORS doesn't oppose the request for the waiver, although South Carolina Solar Business Alliance, the Coastal Conservation League, and Southern Alliance for Clean Energy do oppose the waiver.

Current uncertainties with SCE&G make it appropriate to address this in the context of the

1 fuel case in April. Since its last update, the
2 company has added or contracted to add additional
3 solar facilities to its resource plan, announced
4 the abandonment of two units at V.C. Summer, and
5 announced its intent to purchase the Columbia
6 Energy Center. As a result, the company is still
7 evaluating its resource plan, going forward, and
8 does not believe it would be prudent to do so,
9 given the uncertainty driven by the events just
10 listed. The company indicates that it is planning
11 to implement changes to certain aspects of its
12 avoided cost calculation. For example, the company
13 intends to use an intermittent, non-dispatchable,
14 source of capacity to perform its difference in
15 revenue requirement analysis, which seems more
16 appropriately considered in the annual fuel
17 proceeding.

18 As a practical matter, any hearing in this
19 matter, based on the request and the objections
20 that we have, would have to be noticed and have
21 time provided for intervention, discovery, and
22 prefiled testimony. I believe that allowing this
23 issue to be addressed in the fuel case, which is
24 scheduled for hearing on April 10, 2018, would
25 probably be heard quicker than if we proceeded on a
26 separate track for this. I believe that promotes
27 judicial economy and allows the issue to be
28 addressed expeditiously.

29 One point the Coastal Conservation League made
30 in its response was a request to require SCE&G to
31 put that proposed rate in its prefiled testimony in
32 the fuel proceeding, and I agree that we ought to

1 require SCE&G to do that.

2 That's my motion. So moved, Mr. Chairman.

3 **CHAIRMAN WHITFIELD:** Thank you, Commissioner
4 Elam.

5 Commissioners, any questions for Commissioner
6 Elam, regarding his motion in this item?

7 [No response]

8 Hearing none, I would just, I guess, ask you,
9 Commissioner Elam, I guess the gist of what you're
10 saying is it gets heard quicker – as quick, if not
11 quicker, by going through the fuel proceeding
12 process, which is scheduled for April, and in your
13 motion you're also incorporating the request from
14 the Coastal Conservation League.

15 **COMMISSIONER ELAM:** That's correct.

16 **CHAIRMAN WHITFIELD:** All right. Anything
17 further for Commissioner Elam?

18 [No response]

19 If not, all those in favor of Commissioner
20 Elam's motion, please, say "aye"?

21 **COMMISSIONERS:** Aye.

22 **CHAIRMAN WHITFIELD:** Any opposed?

23 [No response]

24 Motion carries.

25 **DR. SPEARMAN:** In Item 9, Docket No. 2017-346-
26 E, this is the Petition of South Carolinians
27 Against Monetary Abuse and Leslie Miner to add a
28 line item on the bill. We have a Motion to
29 Dismiss.

30 **VICE CHAIRMAN RANDALL:** Mr. Chairman.

31 **CHAIRMAN WHITFIELD:** Commissioner Randall.

32 **VICE CHAIRMAN RANDALL:** Mr. Chairman, this

1 Petition really has two parts. First, Ms. Minerd
2 can petition for and represent herself, but she
3 can't represent or petition on behalf of another
4 entity, and, here, the SCAMA. This type of
5 representation would constitute the unauthorized
6 practice of law. Therefore, because it would be
7 contrary to law for a non-attorney to represent an
8 entity in the proceeding before this Commission, I
9 move that the Motion to Dismiss the Petition as it
10 has been filed on behalf of SCAMA be granted.

11 Second, in regard to Ms. Minerd's Petition in
12 an individual capacity, Commission Order No. 2012-
13 884 states that the information to be presented on
14 each customer bill must include what is necessary
15 to ensure that the bill has been calculated
16 correctly, but not so much as to become overly
17 complicated or confusing. Further, Order No. 2012-
18 884 states clearly that the appropriate method for
19 considering a change that affects Regulation 103-
20 339(2) would be to initiate a rulemaking, which
21 would give the opportunity for public comment and
22 review by the General Assembly. Ms. Minerd's
23 Petition specifically states that she's not seeking
24 to initiate a rulemaking proceeding. In light of
25 this specific rejection of the appropriate method
26 to effectuate such a change as she requested in her
27 Petition, I move that we also grant the Motion to
28 Dismiss in regards to Ms. Minerd's Petition in her
29 individual capacity.

30 So moved, Mr. Chairman.

31 **CHAIRMAN WHITFIELD:** Commissioners, you've
32 heard Commissioner Randall's motion. Is there any

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

discussion?

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN WHITFIELD: Commissioner Elam.

COMMISSIONER ELAM: A question to Commissioner Randall, whether this – this doesn't prevent Ms. Minerd from filing a request for a rulemaking, does it?

VICE CHAIRMAN RANDALL: No, it does not.

CHAIRMAN WHITFIELD: Anything further, Commissioner Elam?

COMMISSIONER ELAM: [Shaking head.]

CHAIRMAN WHITFIELD: Any other Commissioner questions or anything regarding Commissioner Randall's motion on this item?

[No response]

If not, all those in favor of Commissioner Randall's motion, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Item 10, Docket No. 2016-290-E, SCE&G seeking approval of the Second Amendment to a Credit Rate Agreement.

COMMISSIONER HOWARD: Mr. Chairman.

CHAIRMAN WHITFIELD: Commissioner Howard.

COMMISSIONER HOWARD: Thank you. I move to approve the Second Amendment to the Credit Rate Agreement between South Carolina Electric & Gas Company and the Clean Energy Collective, LLC. The amendment modifies the current milestone in the definition of "Unsubscribed Power Rate," and that

1 is, the facility have a commercial operation date
2 on or before June 30, 2018, by splitting that
3 milestone into two milestones. The first one is a
4 commercial operation date of June 30, 2018, for the
5 first 14,000 kilowatts to qualify for the
6 unsubscribed power rate; and then the commercial
7 date of February 28, 2019, for the final 2000
8 kilowatts to qualify for the unsubscribed power
9 rate.

10 Secondly, ORS has reviewed the proposal of the
11 Second Amendment and does not oppose it.

12 That's my motion, Mr. Chairman.

13 **CHAIRMAN WHITFIELD:** Thank you, Commissioner
14 Howard.

15 Commissioners, you've heard Commissioner
16 Howard's motion. Is there any discussion?

17 [No response]

18 If not, all those in favor, please, say "aye"?

19 **COMMISSIONERS:** Aye.

20 **CHAIRMAN WHITFIELD:** Any opposed?

21 [No response]

22 Motion carries.

23 Dr. Spearman.

24 **DR. SPEARMAN:** Mr. Chairman and Commissioners,
25 that completes the Utility Agenda.

26 On the Transportation Agenda, Items 1 through
27 8 are Applications. I will say that we are asking
28 to carry over Item 8. A late-filed exhibit has not
29 been received yet. So Items 1 through 7 can be
30 taken together or individually.

31 **COMMISSIONER HAMILTON:** Mr. Chairman.

32 **CHAIRMAN WHITFIELD:** Commissioner Hamilton.

1 **COMMISSIONER HAMILTON:** Mr. Chairman, I would
2 move to approve the seven Class C Applications as
3 listed in the agenda. So moved, sir.

4 **CHAIRMAN WHITFIELD:** Thank you.

5 You've heard Commissioner Hamilton's motion
6 regarding Items 1 through 7. Are there any
7 questions for Commissioner Hamilton or is there any
8 discussion regarding the motion, regarding all of
9 these items?

10 [No response]

11 If not, all those in favor, please, say "aye"?

12 **COMMISSIONERS:** Aye.

13 **CHAIRMAN WHITFIELD:** Any opposed?

14 [No response]

15 Motion carries.

16 **DR. SPEARMAN:** Mr. Chairman and other
17 Commissioners, Items 9 and 10 are requests for
18 extensions of time. We can take them separately or
19 together.

20 **VICE CHAIRMAN RANDALL:** Mr. Chairman.

21 **CHAIRMAN WHITFIELD:** Commissioner Randall.

22 **VICE CHAIRMAN RANDALL:** Mr. Chairman, I move
23 that we grant the request of The Hidden Chairs,
24 LLC, for an extension of time until October 11,
25 2018, to comply with Commission Rules and
26 Regulations, and also move that we grant the
27 request of Gregory Jenkins Trucking, LLC, doing
28 business as G&G Transportation, for an additional
29 extension of time until July 18, 2018, to comply
30 with Commission Rules and Regulations. So moved,
31 Mr. Chair.

32 **CHAIRMAN WHITFIELD:** Thank you, Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Randall.

You've heard Commissioner Randall's motion.
Is there any discussion?

[No response]

If not, all those in favor of Commissioner
Randall's motion, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Item 11, Docket No. 2012-43-T,
Troy Boston is requesting reinstatement of Class C
Certificate.

[Brief pause]

CHAIRMAN WHITFIELD: I will entertain a
motion.

COMMISSIONER ELAM: Mr. Chairman?

CHAIRMAN WHITFIELD: Commissioner Elam.

COMMISSIONER ELAM: I move we grant the
request. So moved.

CHAIRMAN WHITFIELD: Thank you.

You've heard Commissioner Elam's motion. Is
there any discussion or are there any questions
regarding his motion?

VICE CHAIRMAN RANDALL: And that's subject to
compliance with all applicable rules and
regulations of the Commission, correct?

COMMISSIONER ELAM: correct.

CHAIRMAN WHITFIELD: Do you accept that as an
add-on to your motion, Commissioner Elam?

COMMISSIONER ELAM: Yes.

CHAIRMAN WHITFIELD: Okay. Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Elam's motion with the addition by Commissioner Randall, as accepted, all those in favor of that, please, say "aye"?

COMMISSIONERS: Aye.

CHAIRMAN WHITFIELD: Any opposed?

[No response]

Motion carries.

DR. SPEARMAN: Mr. Chairman and Commissioners, this completes the agenda for today.

CHAIRMAN WHITFIELD: Thank you, Dr. Spearman. This meeting is adjourned.

[WHEREUPON, at 2:18 p.m., the proceedings in the above-entitled matter were adjourned.]



Date: 1/24/18

Jo Elizabeth M. Wheat, CVR-CM/M-GNSC
Court Reporter ~ Public Service Commission of South Carolina
803.896.5100 ~ Jo.Wheat@psc.sc.gov