

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

CM #18-04

February 7, 2018

2:00 ~ 2:15 P.M.

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

COMMISSION MEMBERS ABSENT: Swain E. WHITFIELD, *Chairman*

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; Josh Minges, Esq., and David W. Stark, III, Esq., Legal Advisory Staff; Douglas Pratt, John Powers, and Thomas Ellison, Technical Advisory Staff; Janice Schmieding and Patricia Stephens, 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

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I N D E X

	PAGE
<u>NEXT COMMISSION MEETING SET</u>	3
<u>UTILITIES AGENDA</u>	3
<u>TRANSPORTATION AGENDA</u>	11

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

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2 **VICE CHAIRMAN RANDALL:** Be seated, please.
3 Good afternoon. We'll call this meeting to order
4 and ask everybody to please pause for a moment of
5 silent meditation.

6 [Brief pause]

7 Amen.

8 Dr. Spearman.

9 **DR. SPEARMAN:** Mr. Vice Chair, other
10 Commissioners, our first order of business would be
11 to set the next Commission Meeting. We propose it
12 be on February 21st, at 2 in the afternoon.

13 **VICE CHAIRMAN RANDALL:** That works for
14 everybody?

15 **COMMISSIONER HAMILTON:** Yes, sir.

16 **VICE CHAIRMAN RANDALL:** That's good.

17 **DR. SPEARMAN:** Mr. Vice Chair and
18 Commissioners, on the Utility Agenda, Item 1,
19 Docket No. 2018-38-G, ORS requests a declaratory
20 order adopting the federal Pipeline and Hazardous
21 Materials Safety Regulations.

22 **COMMISSIONER HAMILTON:** Mr. Chairman.

23 **VICE CHAIRMAN RANDALL:** Commissioner Hamilton.

24 **COMMISSIONER HAMILTON:** Mr. Chairman, I would
25 move that we grant the ORS Petition for a
26 Declaratory Order and find that the Commission
27 adoption of 49 CFR, as provided in Commission
28 Regulation 103-490, specifically fully adopted 49
29 CFR Parts 191, 192, 193, and 199, as they may be
30 amended from time to time. So move, Mr. Chairman.

31 **VICE CHAIRMAN RANDALL:** Thank you.

32 You've heard Commissioner Hamilton's motion.

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Are there questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 2, Docket No. 2017-292-WS, this is the Carolina Water Service docket. We have a request for a public night hearing in Georgetown.

COMMISSIONER ELAM: Mr. Chairman.

VICE CHAIRMAN RANDALL: Commissioner Elam?

COMMISSIONER ELAM: Mr. Chairman, on January 31, 2018, the Commission received a request from Ms. Claudine Drayton that the Commission hold a public night hearing to receive testimony from Carolina Water Service customers in the Georgetown, South Carolina, area.

On November 12, 2015, the Commission held such a hearing, in a previous Carolina Water Service case, in the Georgetown area. At that publicly noticed hearing, only three people attended and only one witness, Ms. Drayton, testified. All seven Commissioners and six members of the Commission Staff traveled from Columbia to Georgetown for that hearing, incurring considerable expense and consuming significant Commissioner and Staff time to record the testimony of one witness. Judging from our prior expense, we do not believe holding a hearing in Georgetown for this case would be an efficient use of the finite Commission resources for which we are responsible, and we,

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therefore, decline the request.

Our decision does not in any way mean that we do not value public testimony. In fact, the Commission will be holding public night hearings in York County, Greenville County, and Lexington County. Ms. Drayton is respectfully invited to attend any one of these public night hearings or the merits hearing to be held in this room on April 3rd. Further, we would respectfully invite Ms. Drayton and any other Carolina Water customers in the Georgetown area to submit letters or e-mails to express their views with regard to the Carolina Water Service Application. So move.

VICE CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Elam's motion. Questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Mr. Vice Chairman, Items 3 and 4 are Petitions to Intervene in Docket 2017-292-WS. We can take them separately or together. I will point out that, in Item 4, York County's Petition to Intervene is out of time.

COMMISSIONER ELAM: Mr. Chairman?

VICE CHAIRMAN RANDALL: Commissioner Elam.

COMMISSIONER ELAM: I would like to take 3 and 4 together, and I would move that we approve the Petition to Intervene in Item 3, and grant the

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Petition to Intervene out of time in Item 4. So moved.

VICE CHAIRMAN RANDALL: Okay. You've heard Commissioner Elam's motion. Questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Mr. Vice Chairman, Commissioners, Items 5 through 9 are Petitions to Intervene in Docket No. 2018-2-E, which is the fuel clause proceeding for South Carolina Electric & Gas. We can take those together or separately.

COMMISSIONER FLEMING: Mr. Vice Chairman?

VICE CHAIRMAN RANDALL: Commissioner Fleming.

COMMISSIONER FLEMING: I will take those together. In Docket No. 2018-2-E, I move to grant the Petition to Intervene filed on behalf of CMC Steel South Carolina; Docket No. 2018-2-E, the Petition to Intervene on behalf of Wal-Mart Stores East, LP, and Sam's East, Incorporated; the same Docket, South Carolina Solar Business Alliance, Incorporated; Southern Current, LLC's Petition to Intervene; and also the Petition to Intervene on behalf of South Carolina Energy Users Committee. Mr. Chairman, I so move – Vice Chairman.

VICE CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Fleming's motion. Do we have questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: In Item 10, Docket No. 2017-370-E, this is the SCE&G and Dominion Petition. We have a Petition to Intervene.

COMMISSIONER BOCKMAN: Mr. Vice Chairman?

VICE CHAIRMAN RANDALL: Commissioner Bockman.

COMMISSIONER BOCKMAN: I move that we grant Mr. Frank Knapp's Petition to Intervene in Docket 2017-370-E.

VICE CHAIRMAN RANDALL: Okay. You've heard Commissioner Bockman's motion. Are there questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed "no"?

[No response]

The motion carries.

DR. SPEARMAN: In Item 11, Docket No. 83-307-E, South Carolina Electric & Gas Company requests confidential treatment of the U.S. Bank 2017 Trustee's Annual Report.

COMMISSIONER HOWARD: Mr. Chairman.

VICE CHAIRMAN RANDALL: Commissioner Howard.

COMMISSIONER HOWARD: I move we grant confidential treatment to certain portions of the U.S. Bank 2017 Trustee's Annual Report filed pursuant to Article V, Section 5.08(b) of the

1 Decommissioning Trust Fund between SCE&G and U.S.
2 Bank Trustee. The company asserts that the report
3 contains confidential and sensitive information
4 which is entitled to protection under the South
5 Carolina Freedom of Information Act. That's my
6 motion, Mr. Chairman.

7 **VICE CHAIRMAN RANDALL:** Thank you.

8 You've heard Commissioner Howard's motion.
9 Are there questions or comments?

10 [No response]

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

12 **COMMISSIONERS:** Aye.

13 **VICE CHAIRMAN RANDALL:** All opposed, "no"?

14 [No response]

15 The motion carries.

16 **DR. SPEARMAN:** Item 12, Docket No. 2018-37-E,
17 South Carolina Electric & Gas proposing subdivision
18 of real property in Barnwell County.

19 **COMMISSIONER HOWARD:** Mr. Chairman.

20 **VICE CHAIRMAN RANDALL:** Commissioner Howard.

21 **COMMISSIONER HOWARD:** I move we approve the
22 subdivision of approximately 1.43 acres of property
23 in Barnwell County, in the Carolina Advanced
24 Technology Park. SCE&G presently owns and operates
25 a distribution substation on the property and plans
26 to subdivide it into two parcels: A 1.2 acre parcel
27 having a value of about \$2600 and a 0.23 acre
28 parcel having a value of about \$500. SCE&G will
29 retain ownership of the 1.2 acre parcel on which
30 the substation is located, but will transfer the
31 0.23 acre parcel to Swiss Krono South Carolina,
32 LLC, in exchange for an approximately 0.24 acre

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parcel. The 0.24 parcel will facilitate necessary upgrades and to additions at the existing company-owned facility. That's my motion, Mr. Chairman.

VICE CHAIRMAN RANDALL: Thank you.

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

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 13, Docket No. 2018-24-E, is the Christopher Lee Johnson Complaint with Duke Energy. We have a Motion to Dismiss.

COMMISSIONER FLEMING: Mr. Chairman.

VICE CHAIRMAN RANDALL: Commissioner Fleming.

COMMISSIONER FLEMING: In Docket No. 2018-24-E, I move to grant Duke Energy Carolinas, LLC's Motion to Dismiss the Complaint of Christopher Lee Johnson, and to accept their request for confidential treatment of Exhibit A.

I make this motion for the following reasons: Duke Energy Carolinas has granted the Complainant 15 different deferred payment arrangements. The Complainant challenged the accuracy of his meter in 2015 and, again, in 2017. Both times, the meter tested was found to be within the specifications for accuracy found in this Commission's Regulations. The Complainant is currently on a deferred payment plan. And the Complainant's most recent Complaint simply fails to allege any

1 violation of statute or regulation regarding DEC's
2 billing or handling of this account and, as such,
3 should be dismissed. I so move.

4 **VICE CHAIRMAN RANDALL:** Thank you,
5 Commissioner Fleming.

6 Commissioners, you've heard Commissioner
7 Fleming's motion. Is there any discussion?

8 [No response]

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

10 **COMMISSIONERS:** Aye.

11 **VICE CHAIRMAN RANDALL:** All opposed, "no"?

12 [No response]

13 The motion carries.

14 **DR. SPEARMAN:** Item 14, Docket No. 1985-150-C,
15 we have a request to cancel payphone certificate.

16 **COMMISSIONER ELAM:** Mr. Vice Chairman? Or Mr.
17 Chairman? Whichever.

18 **VICE CHAIRMAN RANDALL:** Commissioner Elam.

19 **COMMISSIONER ELAM:** Thank you, sir.

20 **VICE CHAIRMAN RANDALL:** Whichever.

21 **COMMISSIONER ELAM:** In my search for the last
22 working pay telephone in South Carolina, I move we
23 grant the request of Quarter Payphones to cancel
24 Payphone Certificate granted in Order No. 2001-723.
25 So moved.

26 **VICE CHAIRMAN RANDALL:** You've heard
27 Commissioner Elam's motion. Are there any
28 questions or comments?

29 [No response]

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

31 **COMMISSIONERS:** Aye.

32 **VICE CHAIRMAN RANDALL:** All opposed, "no"?

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[No response]

The motion carries. Thank you.

DR. SPEARMAN: Item 15, Docket No. 2017-370-E, in the joint Application of SCE&G and Dominion, requests appointment of a hearing officer.

COMMISSIONER BOCKMAN: Mr. Vice Chairman?

VICE CHAIRMAN RANDALL: Commissioner Bockman.

COMMISSIONER BOCKMAN: I move that we appoint David Butler as Hearing Officer in Docket No. 2017-370-E, and I so move.

VICE CHAIRMAN RANDALL: You've heard Commissioner Bockman's motion. Do we have questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries. Thank you.

COMMISSIONER BOCKMAN: Thank you, Mr. Chairman.

DR. SPEARMAN: Mr. Vice Chairman and Commissioners, that completes the Utilities Agenda.

On the Transportation Agenda, Item 1, Docket No. 2018-43-T, is the Application of H&W Elite Transportation Services for a Class C Certificate.

COMMISSIONER HAMILTON: Mr. Chairman For the Day, I would move that we approve the Application of Elite Transportation Services, LLC, for a Class C (Non-Emergency) Certificate. So moved, sir.

VICE CHAIRMAN RANDALL: You've heard Commissioner Hamilton's motion. Are there any

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questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 2, Docket No. 1994-354-T and 2014-68-T, Diamond Transportation is requesting exemption from vehicle placarding.

COMMISSIONER ELAM: Mr. Chairman?

VICE CHAIRMAN RANDALL: Commissioner Elam.

Thank you.

COMMISSIONER ELAM: Mr. Chairman, I move we approve the request. So move.

VICE CHAIRMAN RANDALL: You've heard Commissioner Elam's motion to approve the request for exemption from Regulation 103-153 regarding certain vehicles. Are there any questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Item 3, Docket No. 2017-300-T, O.O.R. Enterprises requests an extension of time.

COMMISSIONER FLEMING: Mr. Chairman.

VICE CHAIRMAN RANDALL: Commissioner Fleming.

COMMISSIONER FLEMING: In Docket No.

2017-300-T, I move to give O.O.R. Enterprises, LLC,

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the request – what they requested for an extension of time, until May 1, 2018.

VICE CHAIRMAN RANDALL: Thank you.

You've heard Commissioner Fleming's motion. Any questions or comments?

[No response]

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

COMMISSIONERS: Aye.

VICE CHAIRMAN RANDALL: All opposed, "no"?

[No response]

The motion carries.

DR. SPEARMAN: Mr. Vice Chairman and Commissioners, this completes the business agenda for the day. I will remind you that we do have a hearing following this meeting.

VICE CHAIRMAN RANDALL: Okay. We do have a hearing following this meeting.

But before that, we've got a special person here, Cindy Cox, who has been a fixture out in the audience for about, they say, 33 years, Cindy –

MS. COX: Not in this audience, but yes.

VICE CHAIRMAN RANDALL: – who's getting to become a lady of leisure. So, we want to say we wish you well and wish you all the good things, as you enter this next stage in your life.

MS. COX: Thank you.

VICE CHAIRMAN RANDALL: With that, we're going to break for about five minutes before we have this transportation hearing, and then we will reconvene.

Meeting adjourned. Thank you.

[WHEREUPON, at 2:15 p.m., the proceedings in the above-entitled matter were

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adjourned.]



Date: 2/8/18

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