

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

**CM #18-01**

**January 10, 2018**

**2:00 ~ 2:20 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., Elizabeth B. ‘Lib’ FLEMING, Robert T. ‘Bob’ BOCKMAN, and G. O’Neal HAMILTON

**COMMISSION MEMBERS ABSENT:** —

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 David W. Stark, III, Esq., Legal Staff; Douglas K. Pratt and John Powers, 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**

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***PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA***

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*website.*

P R O C E E D I N G S

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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 other  
9 Commissioners, our first order of business would be  
10 to set the next Commission Meeting. I propose that  
11 it be on Wednesday, January 24th, at 2 in the  
12 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. 2017-381-  
17 A, Petition of the Office of Regulatory Staff for  
18 an order requiring utilities to report the impact  
19 of the Tax Cut and Jobs Act.

20           **COMMISSIONER BOCKMAN:** Mr. Chairman?

21           **CHAIRMAN WHITFIELD:** Commissioner Bockman.

22           **COMMISSIONER BOCKMAN:** Mr. Chairman, I have a  
23 motion I'd like to make.

24           **CHAIRMAN WHITFIELD:** Commissioner Bockman,  
25 yes, sir. Please go ahead.

26           **COMMISSIONER BOCKMAN:** Thank you, Mr.  
27 Chairman. Mr. Chairman, I would move that the  
28 Commission grant the Petition and set a two-week  
29 deadline – that is, two weeks from today, January  
30 24th – for comments from the companies about the  
31 timing, format, and the information to be included  
32 in the reports that we would have them make. The

1 reports would be required from electric, gas, water  
2 and wastewater utilities, and incumbent local  
3 exchange carriers; that is, ILECs. If necessary, a  
4 procedural schedule will be set following the  
5 submission of the reports by those companies. The  
6 companies are encouraged to file – would be  
7 encouraged to file comments regarding an  
8 appropriate schedule when their reports are filed.  
9 That concludes my motion, Mr. Chairman.

10 **CHAIRMAN WHITFIELD:** Thank you, Commissioner  
11 Bockman.

12 Commissioners, you've heard Commissioner  
13 Bockman's motion in Item 1. Are there any  
14 questions regarding Commissioner Bockman's motion?

15 [No response]

16 Hearing none, all those in favor of  
17 Commissioner Bockman's motion, please, say "aye."

18 **COMMISSIONERS:** Aye.

19 **CHAIRMAN WHITFIELD:** Any opposed?

20 [No response]

21 Motion carries.

22 Dr. Spearman, back to you, sir.

23 **DR. SPEARMAN:** In Item 2, Docket No. 2009-84-  
24 A, the Office of Regulatory Staff is seeking  
25 approval of revisions to the Telecommunications  
26 Company Annual Report form.

27 **COMMISSIONER HAMILTON:** Mr. Chairman.

28 **CHAIRMAN WHITFIELD:** Commissioner Hamilton.

29 **COMMISSIONER HAMILTON:** Mr. Chairman, I would  
30 move that we approve revisions to the  
31 Telecommunications Annual Report form, as proposed  
32 by IRS – ORS. So moved. Not IRS.

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**CHAIRMAN WHITFIELD:** Thank you for the clarification, Commissioner Hamilton.

Commissioners, you've heard Commissioner Hamilton's motion. Are there any questions for Commissioner Hamilton, or regarding this item?

[No response]

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

**COMMISSIONERS:** Aye.

**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

**DR. SPEARMAN:** Item 3, Docket No. 1994-235-C, Cincinnati Bell Any Distance, Incorporated, seeking to amend its Certificate for a name change.

**COMMISSIONER BOCKMAN:** Mr. Chairman?

**CHAIRMAN WHITFIELD:** Commissioner Bockman.

**COMMISSIONER BOCKMAN:** Mr. Chairman, I have a motion I'd like to make, please.

**CHAIRMAN WHITFIELD:** Yes, sir, Commissioner Bockman.

**COMMISSIONER BOCKMAN:** Thank you. Mr. Chairman, I would move that the Commission grant the request to amend the Certificate so that it reads "CBTS Technology Solutions, LLC." And I just would advise the Commission that the customers have been notified of this requested change.

**CHAIRMAN WHITFIELD:** So noted.

Commissioners, you've heard Commissioner Bockman's motion. Are there any questions?

[No response]

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

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**COMMISSIONERS:** Aye.

**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

**DR. SPEARMAN:** Item 4, Docket No. 2017-337-E, Joint Petition of Aiken Electric Cooperative, Mid-Carolina Electric Cooperative, Duke Energy Carolinas, and South Carolina Electric & Gas for assignment and reassignment of territories in Aiken, Saluda, and Edgefield Counties, and the approval of an agreement to limit corridor rights.

**COMMISSIONER ELAM:** Mr. Chairman?

**CHAIRMAN WHITFIELD:** Commissioner Elam.

**COMMISSIONER ELAM:** Mr. Chairman, this is quite a lot of assignments and reassignments, and it's good to see that the utilities were able to agree to all this. I move that we approve the assignment and reassignment of territory in Aiken, Saluda, and Edgefield Counties, and approve the agreement to limit corridor rights, and require the companies to file updated maps with the Office of Regulatory Staff. So move.

**CHAIRMAN WHITFIELD:** Thank you, Commissioner Elam. I concur, it is a lot of territory that's being reassigned.

So, Commissioners, you've heard Commissioner Elam's motion. Are there any questions regarding this item or regarding Commissioner Elam's motion?

[No response]

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

**COMMISSIONERS:** Aye.

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**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

**DR. SPEARMAN:** Item 5, Docket No. 2017-306-E, Duke Energy Carolinas seeking approval of revised floodlighting service schedule.

**COMMISSIONER FLEMING:** Mr. Chairman.

**CHAIRMAN WHITFIELD:** Commissioner Fleming.

**COMMISSIONER FLEMING:** In Docket No. 2017-306-E, I move to approve the Revised Floodlighting Service Schedule FL, now that the lumen designations have been corrected.

**CHAIRMAN WHITFIELD:** Thank you, Commissioner Fleming.

Commissioners, you've heard Commissioner Fleming's motion. Are there any questions?

[No response]

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

**COMMISSIONERS:** Aye.

**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

**DR. SPEARMAN:** Item 6, Docket No. 2017-332-E, we have a motion for admission *pro hac vice* of Sky Stanfield and Laura Beaton.

**COMMISSIONER HOWARD:** Mr. Chairman.

**CHAIRMAN WHITFIELD:** Commissioner Howard.

**COMMISSIONER HOWARD:** I move we grant limited *pro hac vice* admission to Sky Stanfield, Esquire, and Laura Beaton, Esquire, for the purposes of their clients' response to Duke's objection to



1 their Petition to Intervene. If intervention is  
2 later granted, this present ruling would be self-  
3 effectuating to grant them full *pro hac vice*  
4 representation rights. That's my motion, Mr.  
5 Chairman.

6 **CHAIRMAN WHITFIELD:** Thank you, Commissioner  
7 Howard.

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

10 [No response]

11 Hearing none, all those in favor of  
12 Commissioner Howard's motion, please, say "aye."

13 **COMMISSIONERS:** Aye.

14 **CHAIRMAN WHITFIELD:** Any opposed?

15 [No response]

16 Motion carries.

17 **DR. SPEARMAN:** Item 7, Docket No. 2017-32-E,  
18 this is the McClendon<sub>[sic]</sub> Complaint against Duke  
19 Energy Carolinas. Duke Energy Carolinas has  
20 petitioned for a rehearing and/or reconsideration.

21 **CHAIRMAN WHITFIELD:** Dr. Spearman, I think you  
22 mean "McCutcheon," not "McClendon."

23 **DR. SPEARMAN:** Did I say "McClendon"?  
24 McCutcheon.

25 **CHAIRMAN WHITFIELD:** McCutcheon, yes, sir.  
26 I'll entertain a motion on this item.  
27 Commissioner Fleming.

28 **COMMISSIONER FLEMING:** Not me.

29 **CHAIRMAN WHITFIELD:** I'm sorry. I'm sorry.

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

31 **CHAIRMAN WHITFIELD:** Commissioner Randall.  
32 I'm sorry.

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**VICE CHAIRMAN RANDALL:** I'd like to step on top of that one.

**CHAIRMAN WHITFIELD:** I saw her light on. I'm sorry. You go ahead, sir.

**VICE CHAIRMAN RANDALL:** Thank you. Mr. Chairman, I move that we deny the Petition for Rehearing or Reconsideration of Order No. 2017-774 in Docket No. 2017-32-E.

The Petition states that the factual findings of the Commission in Order No. 2017-774 do not provide a basis for the relief granted, but that's not the case. The Petition mischaracterizes our Order as requiring Duke Energy Carolinas to place the Complainant back on the Greenwood Rate, in quotes, "unless and until the demand of the Complainant's business exceeds the capacity of the facilities that were replaced in June 2015," close quotes. In reality, the Commission Order requires that the Complainant be given access to the Greenwood Rate as long as they stay within the original limitations of the equipment that was installed to serve the premises which was in place at the time of Act 1293 of 1966 and the subsequent purchase of Greenwood County Electric Power Commission by Duke, which was at that time called Duke Power Company. We are limiting, in effect, the ability of the Complainant to exceed the facility capacity equal to the facility capacity available over 50 years ago at the site, unless the Complainant migrates off the Greenwood Rate. As a practical matter, this may be more restrictive than the previously unmonitored limitation, which used

1 the electrical delivery facility's physical limits  
2 as its only load restriction.

3 It's my view that our ruling, which is  
4 specific to the facts of this case, does not  
5 unjustly enrich the Complainant nor unduly penalize  
6 the Respondent. It merely affords an active  
7 participant on the Greenwood Rate an opportunity to  
8 comply with the facility limitations that it was  
9 unaware might have been strained. We did not have  
10 testimony to support the position that the demand  
11 load was the same after installation of the new  
12 facilities as before. It's dubious that we could  
13 have credible testimony to that effect since the  
14 demand load was not being measured or reported.

15 Additionally, our Order No. 2017-774 is  
16 neither inconsistent with the *Payne* 1991 Supreme  
17 Court Opinion, nor does it go further than to  
18 clarify, as applied to the facts and circumstances  
19 of this case, the Commission's own rulings from  
20 1966 forward. We would agree, as Duke Energy  
21 Carolinas points out, Act 1293 does not provide an  
22 opportunity to re-qualify for the Greenwood Rate.  
23 That is, however, not the action we have taken.  
24 Rather, we have simply concluded that inadequate  
25 information was available to determine that a  
26 change in character was necessitated in this case  
27 due solely to the actions of the Complainant.

28 I believe that we have struck an appropriate  
29 balance between the needs of the utility to provide  
30 safe, reliable, and economic power, and the  
31 concerns of the consumer to make informed and self-  
32 determinative actions to exercise its rights under

1 its approved tariff.

2 For these reasons, Mr. Chairman, I move that  
3 we deny the Petition for Rehearing and  
4 Reconsideration. So move, sir.

5 **CHAIRMAN WHITFIELD:** Thank you, Commission  
6 Randall.

7 Commissioners, you've heard Commissioner  
8 Randall's motion, rather lengthy motion, concerning  
9 the hearing and our ruling on that. Anyone have  
10 any questions? Commissioner Fleming.

11 **COMMISSIONER FLEMING:** Yes. Commissioner  
12 Randall, as I understand it, as long as they stay  
13 no more than 185 amps, as it's measured, they will  
14 stay on the Greenwood – they would be on the  
15 Greenwood Rate. If they go above that, then they  
16 go to the current applicable Duke rate and stay on  
17 that.

18 **VICE CHAIRMAN RANDALL:** Correct. Correct.

19 **COMMISSIONER FLEMING:** All right. Thank you.

20 **CHAIRMAN WHITFIELD:** Thank you, Commissioner  
21 Fleming.

22 Any other questions, other than Commissioner  
23 Fleming's question? Any other questions regarding  
24 this matter or regarding Commissioner Randall's  
25 motion that is on the table at this time?

26 [No response]

27 Well, hearing none, you've heard Commissioner  
28 Randall's motion. All those in favor of  
29 Commissioner Randall's motion, please, say "aye."

30 **COMMISSIONERS:** Aye.

31 **CHAIRMAN WHITFIELD:** Any opposed?

32 [No response]

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Motion carries.

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

On the Transportation Agenda, Items 1 through  
6 are Applications for Class C Certificates. These  
can be taken as a group or individually.

**COMMISSIONER ELAM:** Mr. Chairman?

**CHAIRMAN WHITFIELD:** Commissioner Elam.

**COMMISSIONER ELAM:** I move we approve the  
requests in Items 1 through 6.

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

Commissioners, you've heard Commissioner  
Elam's motion on Items 1 through 6. Are there any  
questions?

[No response]

Hearing none, all those in favor of  
Commissioner Elam's motion, please, say "aye."

**COMMISSIONERS:** Aye.

**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

**DR. SPEARMAN:** Item 7, Docket No. 2016-378-T,  
Watkins Transport is requesting cancellation of  
Certificate.

**COMMISSIONER HAMILTON:** Mr. Chairman.

**CHAIRMAN WHITFIELD:** Commissioner Hamilton.

**COMMISSIONER HAMILTON:** Mr. Chairman, I'd move  
that we grant the request of Watkins Transport,  
LLC, to cancel Class C (Charter) Certificate No.  
9224. So move, sir.

**CHAIRMAN WHITFIELD:** Thank you, Commissioner

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Hamilton.

Commissioners, you've heard Commissioner Hamilton'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 8, Docket No. 2017-104-T, Mariel Ford requesting reinstatement of Certificate.

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

**CHAIRMAN WHITFIELD:** Commissioner Randall.

**VICE CHAIRMAN RANDALL:** Mr. Chairman, I move we grant the request of Mariel Ford for reinstatement of Class C (Taxi) Certificate No. 9245, subject to compliance with all applicable Commission Rules and Regulations. So move.

**CHAIRMAN WHITFIELD:** Thank you, Commissioner Randall.

You've heard Commissioner Randall's motion. Are there any questions or any discussion regarding Commissioner Randall's motion?

[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 9, Docket No. 2008-127-T,

1 A&A Taxi requesting to amend Certificate for a name  
2 change.

3 **COMMISSIONER FLEMING:** Mr. Chairman.

4 **CHAIRMAN WHITFIELD:** Commissioner Fleming.

5 **COMMISSIONER FLEMING:** I move to approve the  
6 request of A&A Taxi, Incorporated, doing business  
7 as Myrtle Beach Transportation, to amend Class C  
8 (Charter) Certificate No. 7980-B to read "Myrtle  
9 Beach Transportation, LLC."

10 **CHAIRMAN WHITFIELD:** Thank you, Commissioner  
11 Fleming.

12 You've heard Commissioner Fleming's motion.  
13 Is there any discussion?

14 [No response]

15 Hearing none, all those in favor, please, say  
16 "aye."

17 **COMMISSIONERS:** Aye.

18 **CHAIRMAN WHITFIELD:** Any opposed?

19 [No response]

20 Motion carries.

21 **DR. SPEARMAN:** Item 10, Docket No. 2017-101-T,  
22 Shelley F. Fennell requesting to amend Certificate  
23 for a name change and change in scope of authority.

24 **COMMISSIONER FLEMING:** Mr. Chairman.

25 **CHAIRMAN WHITFIELD:** Commissioner Fleming.

26 **COMMISSIONER FLEMING:** I'll do that one, also.  
27 In Docket No. 2017-101-T, I move to approve Shelley  
28 Farrell<sub>[sic]</sub>, doing business as S & SC Transport  
29 Company, to a Class C (Non-Emergency) Certificate  
30 No. 9268 to read "S and SC Transport, LLC," and  
31 amend the scope of authority to read "Statewide."

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

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Fleming. I would note that's Shelley F. Fennell –  
**COMMISSIONER FLEMING:** Fennell.  
**CHAIRMAN WHITFIELD:** – instead of Farrell.  
**COMMISSIONER FLEMING:** Sorry.  
**CHAIRMAN WHITFIELD:** With that slight change  
in Commissioner Fleming's motion, are there any  
other questions or anything regarding Commissioner  
Fleming's motion?  
[No response]  
If not, all those in favor, please, say "aye"?  
**COMMISSIONERS:** Aye.  
**CHAIRMAN WHITFIELD:** Any opposed?  
[No response]  
Motion carries.  
**DR. SPEARMAN:** In Item 11, Docket No. 2017-  
322-T, Amplify, LLC, requesting to close the  
docket.  
**VICE CHAIRMAN RANDALL:** Mr. Chairman?  
**CHAIRMAN WHITFIELD:** Commissioner Randall.  
**VICE CHAIRMAN RANDALL:** I move that we rescind  
Order No. 2017-658 and close the docket. So move,  
sir.  
**CHAIRMAN WHITFIELD:** Thank you.  
Commissioners, you've heard Commissioner  
Randall's motion. Any questions?  
[No response]  
Hearing none, all those in favor of  
Commissioner Randall's motion, please, say "aye."  
**COMMISSIONERS:** Aye.  
**CHAIRMAN WHITFIELD:** Any opposed?  
[No response]  
Motion carries.



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**DR. SPEARMAN:** In Item 12, Docket No. 2017-43-T, GMC Quality Care Transportation requesting an extension of time.

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

**CHAIRMAN WHITFIELD:** Commissioner Randall.

**VICE CHAIRMAN RANDALL:** Mr. Chairman, it's the Commission's policy to grant extensions for no longer than 12 months from the date of the order approving the Class C Certificate. Therefore, I move to grant an extension of time until March 14, 2018. If the Applicant cannot come into compliance by that date and desires to provide non-emergency service, a new application must be filed. So move, Mr. Chairman.

**CHAIRMAN WHITFIELD:** Thank you, Commissioner Randall.

Commissioners, you've heard Commissioner Randall's motion. Are there any questions?

[No response]

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

**COMMISSIONERS:** Aye.

**CHAIRMAN WHITFIELD:** Any opposed?

[No response]

Motion carries.

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

**CHAIRMAN WHITFIELD:** Thank you, Dr. Spearman.

We do have this hearing just momentarily. We are going to adjourn this meeting and take a short break and come back up here within about five or

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ten minutes. See you then. Meeting adjourned.  
[WHEREUPON, at 2:20 p.m., the proceedings  
in the above-entitled matter were  
adjourned.]

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Date: 1/12/18

Jo Elizabeth M. Wheat, CVR-CM/M-GNSC  
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