

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

**CM #21-05**

**February 10, 2021**

**11:00 a.m. ~ 12:08 p.m.**

**COMMISSION MEMBERS PRESENT:** Justin T. WILLIAMS, CHAIRMAN; Florence P. BELSER, VICE CHAIR; *and* COMMISSIONERS Stephen M. ‘Mike’ CASTON<sup>[A/V]</sup>, Thomas J. ‘Tom’ ERVIN<sup>[A/V]</sup>, Headen B. THOMAS<sup>[A/V]</sup>, and Delton W. POWERS, JR.

**COMMISSION MEMBERS ABSENT:** Commissioner Carolyn L. ‘Carolee’ WILLIAMS

PRESENTING AGENDA:           F. David Butler  
  SPECIAL COUNSEL

**STAFF PRESENT:** Jocelyn Boyd, Esq., Chief Clerk/Administrator; Jo Anne Wessinger Hill, General Counsel; Virginia ‘Ginger’ Crocker and Janice Schmieding, Clerk’s Staff; Randy Erskine and Jackie Thomas, Information Technology Staff; Melissa Purvis, Livestream Technician; and Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter.

**TRANSCRIPT / MINUTES**  
**OF**  
***Transportation Agenda Item #6***  
**COMMISSION BUSINESS MEETING**

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

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*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.*

**E X C E R P T**

**MR. BUTLER:** Thank you, Mr. Chairman, other members of the Commission. Item 6 on the Transportation Agenda is Docket No. 2020-188-T. This is the Application of JEGA Movers, LLC, for a Class E (Household Goods) Certificate.

**CHAIRMAN J. WILLIAMS:** Is there a motion?

**COMMISSIONER THOMAS<sup>[A/V]</sup>:** Mr. Chairman.

**CHAIRMAN J. WILLIAMS:** Commissioner Thomas?

**COMMISSIONER THOMAS<sup>[A/V]</sup>:** I move that the Commission deny the Application of JEGA Movers LLC for a Class E (Household Goods) Certificate of Public Convenience and Necessity. Approval of JEGA Movers' Application would be inconsistent with the public interest. So moved.

**CHAIRMAN J. WILLIAMS:** Hearing Commissioner Thomas's motion, is there any discussion?

**VICE CHAIR BELSER:** Mr. Chairman.

**CHAIRMAN J. WILLIAMS:** Vice Chair Belser?

**VICE CHAIR BELSER:** I concur with Commissioner Thomas's motion. I am concerned regarding information that was provided in the late-filed exhibits.

When movers of household goods are approved, they go in and they are in people's homes, they take possession of people's property. And it's incumbent upon us to ensure that those applicants seeking household goods authority are going to

1           adhere to all rules and regulations, and properly  
2           take care of people's property and possessions. So  
3           I do agree with the motion, as much as I hate to  
4           deny anybody, but I think that, in this case, it's  
5           appropriate. Thank you.

6           **CHAIRMAN J. WILLIAMS:** Any other discussion?

7           **COMMISSIONER CASTON<sup>[A/V]</sup>:** Chair Williams, this  
8           is Commissioner Caston. I, too –

9           **CHAIRMAN J. WILLIAMS:** Commissioner Caston?

10          **COMMISSIONER CASTON<sup>[A/V]</sup>:** I, too, support the  
11          motion. It is my understanding that an application  
12          or a future request is not prohibited, just not at  
13          this time based on existing conditions. Is that  
14          correct?

15          **VICE CHAIR BELSER:** Mr. Chairman?

16          **CHAIRMAN J. WILLIAMS:** Vice Chair Belser?

17          **VICE CHAIR BELSER:** If I may respond to  
18          Commissioner Caston, the statute allows an  
19          applicant, who has been denied in an application,  
20          to file – they can't file before six months from  
21          the order denying the application. So they can  
22          file again, in six months, from the date of the  
23          order.

24          **COMMISSIONER CASTON<sup>[A/V]</sup>:** Good. Thank you. And  
25          that was my understanding, something like that,  
26          because it is – I concur with what you said,  
27          Commissioner Belser, and recognize that our past  
28          does not define our future, and the future can be

1 different. It just sometimes takes a little  
2 longer. Thank you. And I support the motion.

3 **CHAIRMAN J. WILLIAMS:** Any other discussion?

4 **COMMISSIONER ERVIN<sup>[A/V]</sup>:** Mr. Chairman, this is  
5 Commissioner Ervin.

6 **CHAIRMAN J. WILLIAMS:** Commissioner Ervin, the  
7 floor is yours.

8 **COMMISSIONER ERVIN<sup>[A/V]</sup>:** Thank you, sir.

9 I also support the motion. And I think I can  
10 say for all Commissioners, we have nothing  
11 personally against this individual. It's his South  
12 Carolina driving record and criminal conviction  
13 record that disqualifies him from being a home  
14 mover at this time. And what I'm hopeful is that,  
15 if he does choose to reapply, that he can clean up  
16 some of these matters. For example, if they are  
17 at-fault driving accidents that he was involved in,  
18 he can go to Midlands Tech and take a driving  
19 safety course for which he can obtain a certificate  
20 of completion, which would be a nice thing to see  
21 if he does choose to reapply. And if he's also on  
22 probation or parole due to prior convictions, it  
23 would be nice to hear from his probation agent, to  
24 determine whether he has made progress toward  
25 rehabilitating his record. We understand that  
26 people make mistakes and, you know, we should give  
27 them an opportunity to try and rehabilitate  
28 themselves. So, there are paths forward to do

1           that, if the Applicant chooses to reapply. But  
2           given the number and severity of the offenses  
3           documented in the late-filed exhibits, we really  
4           have no choice under the existing law and  
5           regulation but to find that he is unfit at this  
6           time.

7           I would also encourage the Office of  
8           Regulatory Staff, when they are reviewing a  
9           prospective applicant that has a criminal  
10          conviction history of fairly recent origin, who may  
11          be on probation or parole, to look into it further,  
12          because it would be helpful to the Commission to  
13          know what the conditions of probation or parole  
14          are. For example, some judges have specific  
15          provisions that, under certain circumstances, a  
16          criminal conviction prohibits an individual from  
17          driving a motor vehicle. So that would be an  
18          important thing for us to know, if – we certainly  
19          don't want to approve someone who's under a court  
20          order not to drive or who's had their license  
21          suspended.

22          And, finally, I would encourage them to refer  
23          these applicants to get a driving school  
24          certificate from Tech. I think it's a course that  
25          can be taken on a Saturday. I know that – I've  
26          heard it's not expensive. It's not a costly thing.  
27          It's actually a public service to try to improve  
28          the driving record, and an individual could

1 actually get some points back off their license  
2 upon successful completion.

3 So having said that, I support the motion to  
4 deny this Application. Thank you.

5 **CHAIRMAN J. WILLIAMS:** Any more discussion?

6 [No response]

7 Fellow Commissioners, I must say that I spent  
8 a significant amount of time considering whether or  
9 not I would approve or deny this Applicant's  
10 Application. I think it's important for me to note  
11 several concerns that I have with where we are,  
12 with this Applicant, and what the situation  
13 represents. It may not be obvious to the  
14 uninitiated.

15 Correct me if I'm wrong. The Office of  
16 Regulatory Staff represents the public interest of  
17 South Carolina in utility regulation. That same  
18 office told the Commission that this Applicant was  
19 fit, willing, and able to operate as a driver, a  
20 mover, in South Carolina. I'm not mistaken about  
21 that, am I?

22 **MR. BUTLER:** No, sir.

23 **CHAIRMAN J. WILLIAMS:** I didn't think so.

24 Also, I'm not aware of any law that prevents  
25 an applicant with a criminal history or with  
26 convictions or negative items on their driving  
27 history from being a mover in South Carolina. And  
28 so, what we have here is the Commission operating

1 within its discretion to make a determination  
2 whether or not this mover, this Applicant, should  
3 be allowed to operate in the State, and the law  
4 says it's within our discretion.

5 My concern with this is that this Applicant  
6 did everything that they could've done to show that  
7 they were qualified to serve as a mover. They  
8 hired an attorney, they got the proper insurance,  
9 they got equipment. They even had, if I remember  
10 correctly, some funding, some money in the bank,  
11 got a small business loan. And the only thing  
12 that's keeping them from operating is our vote here  
13 today.

14 I am conflicted that the Office of Regulatory  
15 Staff, who's charged with representing the public  
16 interest of South Carolina, found this driver,  
17 found this Applicant, fit, willing, and able; and  
18 yet the Commission, based on a review of criminal  
19 history – and I'm not sure whether or not ORS  
20 reviewed the criminal history, or not – is more  
21 than likely going to find that he's not fit to  
22 operate in the State and it's against the public  
23 interest to give him a license as a mover.

24 And so, what does that mean for this Applicant  
25 and other applicants like him or her? Are we  
26 saying that, if you have a criminal history, you  
27 need not apply to be a mover? Are we saying that,  
28 despite ORS's testimony that this Applicant is fit,



1 willing, and able, that testimony means nothing and  
2 we believe that the Applicant is not? Moving  
3 forward, how will we determine other applications  
4 in the future, who may or may not have a criminal  
5 history, and ensure consistency?

6 As a former prosecutor and former criminal  
7 defense lawyer, I have prosecuted and represented  
8 people who have been charged with crimes, they've  
9 pled guilty, but the matters are not as simple as  
10 they may read on a criminal background check.

11 I think Commissioner Thomas's motion is fair,  
12 in that it's probably looking at the Applicant from  
13 a perspective of, you know, based on what we see  
14 here, we are concerned about you taking possession  
15 of people's belongings and going in their house.  
16 But here's an interesting question: Do we have any  
17 oversight over an applicant, once they are  
18 approved, of the employees that they hire? I think  
19 the answer to that question is no. If that's the  
20 case, then, we really don't know who they're  
21 hiring. They could hire people with criminal  
22 records and who have the same situation. So it  
23 seems like we are creating a precedent that you're  
24 good enough, if you're a convicted criminal, to be  
25 a worker, but you're not good enough to be an  
26 owner. And that seems a bit concerning.

27 Now I know we only can control what we can  
28 control. We can control this, based on what we've

1           seen. We can't control, once the Applicant is  
2           approved, who they hire. We have no oversight over  
3           that. But I think it's worth noting that, if an  
4           applicant is approved, they can go on and hire  
5           whoever they see fit, and we have no oversight.  
6           And this gentleman said that he had worked as a  
7           worker before, moving items, and it gave him a  
8           sense of purpose and pride, and he was encouraged  
9           to be an owner and to come before the Public  
10          Service Commission. And now, he's about to find  
11          out that all of his experience and all of his  
12          effort to overcome his past, at this point, it  
13          looks like it was in vain. I'm not –

14               **COMMISSIONER CASTON**<sup>[A/V]</sup>: Chairman Williams?

15               **CHAIRMAN J. WILLIAMS**: – necessarily against  
16          the motion, as much as I want to make sure that we  
17          are consistent. And I'm very concerned that ORS  
18          found this Applicant fit, willing, and able. And I  
19          can't remember if they looked at the – I don't  
20          think – I don't know. I can't remember if they  
21          looked at the criminal history, or not. Maybe they  
22          did, maybe they didn't.

23               **VICE CHAIR BELSER**: The driving record and the  
24          criminal history record came in as late-filed  
25          exhibits, so they would not have seen that prior to  
26          doing that. And it's not required by the  
27          regulation that they –

28               **CHAIRMAN J. WILLIAMS**: And that –

1                   **VICE CHAIR BELSER:** That may be something we  
2                   need to fix.

3                   **CHAIRMAN J. WILLIAMS:** That may be. That may  
4                   be. I would be interested – I will say this – I  
5                   would be interested to know if ORS would still find  
6                   the Applicant fit, willing, and able based on the  
7                   information that we have received.

8                   **COMMISSIONER CASTON**<sup>[A/V]</sup>: Chairman Williams?

9                   **COMMISSIONER ERVIN**<sup>[A/V]</sup>: Mr. Chairman?

10                  **CHAIRMAN J. WILLIAMS:** I heard Commissioner  
11                  Caston, first, then Commissioner Ervin.

12                  **COMMISSIONER ERVIN**<sup>[A/V]</sup>: All right. Go ahead,  
13                  Mr. Caston.

14                  **COMMISSIONER CASTON**<sup>[A/V]</sup>: First of all, let me  
15                  say, Chairman Williams, the things you said  
16                  relative to judging and everything else, I concur  
17                  with in this sense: You know, dealing with it  
18                  personally in my personal family, I absolutely  
19                  understand the difficulties individuals have who,  
20                  for whatever reason in their past, have led to,  
21                  whether it be driving criminal convictions, or  
22                  whatever. I absolutely understand the burden that  
23                  it places not on just that individual but the  
24                  family and those around him. And I also  
25                  understand, without question, how they are  
26                  generally viewed by most people. For example, I  
27                  have a family member right now who's been looking  
28                  for work for some time, but when that comes up, I

1 mean, he's automatically pegged. And it pains me.  
2 I don't like it, because I know that, okay, that is  
3 his past; it would be good for someone to give him  
4 a chance for the future. But it is what it is.

5 So if anyone understands this, I believe I do.  
6 And I struggled with this one particular one. The  
7 thing that brought me to where I am, right or  
8 wrong, is that – and I understand why the Applicant  
9 may not have wanted to put this information up  
10 early, because that's exactly what happened with  
11 this family member is he put it on that  
12 application, "Have you been convicted of a crime,"  
13 or felony, or whatever. When you check that box,  
14 no matter what anyone tells you, usually those go  
15 in File 13, not a callback. So I get it. I don't  
16 think it's right, and I don't think it's fair, but  
17 it is what it is. But I also feel like there's a  
18 certain obligation – because I had to look at that  
19 fit-willing-and-able thing, too. And even when I  
20 read it, it still didn't tell me, is that "fit" or  
21 is it not? It does come down to some level of  
22 discernment, judgment, you know, subjective  
23 thoughts and viewpoints.

24 But with all this put together, especially  
25 coming in kind of late and the concern is it – you  
26 know, some of this was reasonably recent. I don't  
27 think the young man should be judged for it either.  
28 The only thing that matters is what are you doing

1 now and where you're heading in the future. And we  
2 don't need to do things to hold people back to make  
3 it harder for them to move forward in the future.  
4 So I struggle with that. But that said, I feel  
5 comfortable saying: maybe a little more time to  
6 prove that. But then again, I can sit here and  
7 tell you I don't want to harm the man and I would  
8 have just as well voted, you know, in support of  
9 it.

10 So I'm not trying to be wishy-washy about it,  
11 at all. I understand what you're saying, Chairman  
12 Williams. And I do think we need to maybe have a  
13 better understanding of what fit, willing, and able  
14 is and perhaps have a much better understanding of  
15 what are we going to be looking at.

16 I think, if you're going to be moving stuff,  
17 moving people's stuff, or driving a taxi or  
18 whatever it is, you know, probably ought to have an  
19 idea about your driving record or your criminal  
20 history, just because – not to judge you from it,  
21 although people will, especially if they find out,  
22 but I'd rather not find out after the fact – so, it  
23 appears for the last year, two years, you've been  
24 on the right path and a good path.

25 Again, that probably muddled things more than  
26 helped them, Chairman Williams, but I understand.  
27 And this pains me, greatly. That's all I have to  
28 say.

1                   **CHAIRMAN J. WILLIAMS:** Commissioner Caston,  
2                   thank you for your comments. I – oh, I’m sorry.  
3                   Commissioner Ervin.

4                   **COMMISSIONER ERVIN<sup>[A/V]</sup>:** Thank you, Mr.  
5                   Chairman.

6                   And I understand, Mr. Chairman, your thinking  
7                   in the matter. This is not an easy case. And I  
8                   think all of us would say we don’t want to harm  
9                   this individual. If anything, I’d like to see him  
10                  clean up his driving record and come back and  
11                  reapply. But as I recall – and you correct me if  
12                  I’m wrong, but as I recall – ORS had no opportunity  
13                  to see the late-filed exhibits before rendering  
14                  their opinion as to whether he was fit, ready, and  
15                  willing to be a licensed motor carrier of household  
16                  goods.

17                  Now, they didn’t have that information. We  
18                  do. And we have to give it the weight and  
19                  credibility we think is appropriate.

20                  Now, one of the other Commissioners called to  
21                  my attention that the Applicant has three accidents  
22                  fairly recently. I believe the last one was in  
23                  January, where he was found to be at fault, on the  
24                  public highways in our State. Now, we have a duty  
25                  to the public to be sure that we are not licensing  
26                  someone to drive a box truck up and down the  
27                  interstate if they are not exercising good judgment  
28                  and not familiar with the laws that relate to safe

[A/V] = via Audio/Videoconference

1 operation of a motor vehicle. And so, we have to  
2 draw a line and say – and look at the regulation.  
3 I'll read it to you, because I think it's relevant.  
4 South Carolina Regulation 103-133 states as  
5 follows, and I quote – "Fit" is defined under  
6 Subsection (a) as follows: "The applicant must  
7 demonstrate," to the commission that "the  
8 applicant's safety rating is satisfactory," end  
9 quote.

10 Now in my view, he has not met his burden of  
11 proof. And as far as the ORS witness who  
12 testified, in my view, he had no knowledge of these  
13 prior at-fault driving violations. And so we have  
14 the right to give that testimony such weight and  
15 credibility as we would any witness.

16 I don't think – and no fault to their own. I  
17 know they're overworked and they can't necessarily  
18 run updated reports in every case. But in this  
19 case, as I recall, the attorney was pretty  
20 forthright in saying that there's a record, and I  
21 don't recall who asked for it but somebody said,  
22 "Well let's have a late-filed exhibit of his  
23 driving record and his criminal history." I'm more  
24 concerned about his driving record, quite honestly,  
25 than I am the criminal history, and I'm all for  
26 rehabilitation.

27 And there's nothing that prevents him from  
28 coming back, under the law, and reapplying in six

1 months. But if he comes back, I certainly want to  
2 hear more about why he had three at-fault accidents  
3 over a short period of time. He's in jeopardy of  
4 losing his license to drive, because of the points  
5 that he's accumulated. And so I think we're doing  
6 the right thing by denying this Applicant. We need  
7 more information, and he simply hasn't shown us, to  
8 date, that he's ready to safely operate a motor  
9 vehicle in our State. Without additional  
10 information, I don't think we have any choice in  
11 this case. But thank you for hearing me out.

12 **CHAIRMAN J. WILLIAMS:** And fellow  
13 Commissioners, I definitely don't want you to  
14 mistake my comments as being simply opposed to the  
15 motion. I'm really more so concerned about the  
16 process. While I understand that ORS didn't have  
17 the information that we requested, it seems to me  
18 that, if they are going to be a party to these  
19 proceedings and present information for our  
20 consideration and make sworn testimony that an  
21 applicant is fit, willing, and able, they should  
22 use the investigatory powers that they have under  
23 the law, because we don't have those. And I  
24 can't – you know, I can't say whether or not the  
25 Applicant's driving record was considered by ORS,  
26 or not.

27 I'll use this time for a little anecdote.  
28 When I was a prosecutor, there was a gentleman who,



1 on his rap sheet, his SLED report had what looked  
2 like – not even what looked like – what were three  
3 prior convictions for possession with intent to  
4 distribute narcotics. And the way the law read at  
5 that time, if he had another drug offense at that  
6 level, the charges or the penalty could be much  
7 stronger.

8 His lawyer, at sentencing, requested the judge  
9 to give him an opportunity to go pull the records  
10 in the county where he was charged, because he  
11 didn't believe that – and I said PWID; it wasn't  
12 possession with intent to distribute, it was  
13 actually trafficking. He said, "Judge, please give  
14 me time to go to the clerk of court in this county  
15 and pull the file, because my client is telling me  
16 that he was not convicted of trafficking," even  
17 though on the SLED report I had from SLED in my  
18 file it clearly said he was convicted of  
19 trafficking. Well, lo and behold, the lawyer  
20 pulled the record and he wasn't convicted of  
21 trafficking.

22 And that sort of changed my view of SLED  
23 reports, at the time. Not that – not that mistakes  
24 don't happen but, when they do, sometimes they can  
25 be very consequential to someone's life, in certain  
26 situations.

27 And so this gentleman apparently had three  
28 accidents in a short period of time, based on what

1 we see, but we don't really know all the facts  
2 regarding those. And us – I'm not saying that if  
3 we knew all the facts, it would change how any of  
4 us feel, but I just think that we should give ORS  
5 the opportunity to review the information that we  
6 reviewed, to make a determination whether or not  
7 they still believe that the Applicant is fit,  
8 willing, and able. Is that –

9 COMMISSIONER CASTON<sup>[A/V]</sup>: So, Chairman –

10 CHAIRMAN J. WILLIAMS: – not a fair –

11 COMMISSIONER CASTON<sup>[A/V]</sup>: – Williams –

12 CHAIRMAN J. WILLIAMS: – option?

13 COMMISSIONER CASTON<sup>[A/V]</sup>: – are you asking –  
14 this is Commissioner Caston. Are you suggesting to  
15 Commissioner Thomas that that be a friendly  
16 amendment, that we defer this, or allow ORS that  
17 additional time for scrutiny?

18 CHAIRMAN J. WILLIAMS: I don't know if I would  
19 necessarily say an amendment. I would ask  
20 Commissioner Thomas to withdraw his motion, and see  
21 if there is any interest from the Commission in  
22 allowing ORS to review the Applicant's file, in  
23 total, including the information that we received,  
24 with any explanation that the Applicant provides to  
25 ORS, and come to the Commission and offer whether  
26 or not they still believe the Applicant is fit,  
27 willing, and able.

28 COMMISSIONER THOMAS<sup>[A/V]</sup>: Mr. Chairman.

1                   **CHAIRMAN J. WILLIAMS:** Commissioner Thomas.

2                   **COMMISSIONER THOMAS**<sup>[A/V]</sup>: I would be willing to  
3 withdraw my motion and go in that direction. I  
4 think that we've all struggled with this and that  
5 we all want the best and right decision. And I  
6 think that, based on what you said about your  
7 personal knowledge of what happened in another  
8 case, I mean, there could be that there's some  
9 mistakes there. And as you said, also, we're not  
10 the entity that is supposed to investigate.

11                   So I would be fine with allowing ORS to go  
12 back in and get back with us on this.

13                   **CHAIRMAN J. WILLIAMS:** Okay. And I – I will  
14 say, I don't want to give anyone any false hope.  
15 ORS could come back and say, "Hey, you know what?  
16 Thank you for asking for that information that we  
17 didn't ask for. Now that we've received it, we  
18 have a different opinion." That could very well  
19 happen. But at the same time, we just need to make  
20 sure, in my opinion – in my humble, humble  
21 opinion – we need to make sure we are as consistent  
22 as possible, so that every party that appears  
23 before the Commission can feel as if our decisions  
24 are consistent and they're not being singled out or  
25 they're being treated any differently than any  
26 other applicant.

27                   **VICE CHAIR BELSER:** Mr. Chairman?

28                   **CHAIRMAN J. WILLIAMS:** Vice Chair Belser.

1                   **VICE CHAIR BELSER:** Let me just – and this is  
2 quite unusual, but what if we were to reopen the  
3 proceeding, allow ORS to comment, but also allow  
4 the Applicant the opportunity to come in and  
5 explain? He may dispute some of the – as you said,  
6 he may dispute some of the items on his record.  
7 But at least, I mean, if we're going to allow ORS  
8 to comment, it just seems fair that we might allow  
9 the Applicant to be able to explain or give further  
10 information, as well.

11                   **CHAIRMAN J. WILLIAMS:** I think that's very  
12 fair. And so, my knowledge of the rules of  
13 parliamentary procedure or Robert's Rules of Order  
14 are being tested now, because –

15                   **VICE CHAIR BELSER:** I'll make the motion.

16                   **CHAIRMAN J. WILLIAMS:** – we had a motion –

17                   **VICE CHAIR BELSER:** I think it's been  
18 withdrawn, has it not?

19                   **CHAIRMAN J. WILLIAMS:** – that's been  
20 withdrawn. And, okay, so now we're back at square  
21 one.

22                   **MR. BUTLER:** Yes, sir.

23                   **CHAIRMAN J. WILLIAMS:** Okay. Is there a  
24 motion?

25                   **VICE CHAIR BELSER:** Mr. Chairman, I would move  
26 that we reopen the record, set this matter for  
27 another virtual hearing to – well, continuation of  
28 the hearing, to allow the Applicant to provide

1 further information on these late-filed exhibits,  
2 and ORS, if ORS chooses to do so.

3 **CHAIRMAN J. WILLIAMS:** Hearing Vice Chair  
4 Belser's motion, is there any discussion?

5 **COMMISSIONER POWERS:** Mr. Chairman?

6 **CHAIRMAN J. WILLIAMS:** Commissioner Powers.

7 **COMMISSIONER POWERS:** I think – and you  
8 mentioned it somewhere in one of your comments that  
9 you don't want to give anybody false hope, because,  
10 if the facts are the facts, I don't think it's  
11 going to change the outcome that the Commission was  
12 originally looking at. So, I don't know if that  
13 needs to be part of the motion, but I think it  
14 certainly needs to be part of the Applicant's  
15 understanding.

16 **CHAIRMAN J. WILLIAMS:** Commissioner Powers,  
17 I'm so very grateful for your comments, because I  
18 totally agree. There's no two ways about it. What  
19 was submitted is concerning. It's concerning.  
20 It's concerning when it was so submitted; it's  
21 concerning today. But it seems as if there's some  
22 gaps in the process that we need to fill in, and I  
23 think Commissioner – excuse me – Vice Chair  
24 Belser's motion would definitely be that gap-  
25 filler, so that when we do reach our decision,  
26 whatever that may be, it will be sound and it will  
27 be firm, without any doubt about what happened with  
28 this process, with this particular Applicant. But

1 to your point, whatever we decide to do here really  
2 has no indication on what's going to happen in the  
3 future.

4 **COMMISSIONER POWERS:** I just hope – or, want  
5 it clear that, in reopening this matter, it's  
6 limited to just that issue or these issues  
7 discussed, and not a complete retrial of any sort.

8 **CHAIRMAN J. WILLIAMS:** I think – I think  
9 that – I think that's your motion. Right, Vice  
10 Chair Belser?

11 **VICE CHAIR BELSER:** To the extent that that  
12 needs to be clarified, I mean, it would be – it is  
13 for the limited purpose to allow the Applicant the  
14 opportunity to comment on these two late-filed  
15 exhibits, the driving record and the criminal  
16 record, and as well as ORS, if they choose to do  
17 so.

18 **COMMISSIONER POWERS:** Thank you.

19 **VICE CHAIR BELSER:** Thank you for the friendly  
20 amendment.

21 **COMMISSIONER CASTON<sup>[A/V]</sup>:** Chairman Williams?

22 **CHAIRMAN J. WILLIAMS:** Commissioner Caston.

23 **COMMISSIONER CASTON<sup>[A/V]</sup>:** I think anyone that  
24 may be looking in and not knowing, really, what's  
25 going on would think, "Goodness gracious alive,  
26 what is this?" But I'll tell you – and I mean this  
27 honestly and humbly – I'm very honored to be a part  
28 of this group, and the comments you made, and the

1 process that just occurred to get us to what we're  
2 getting ready to vote on, because everyone has  
3 that, I guess, that compassion, that heart, that –  
4 we don't want to do this wrong; we don't want to  
5 hurt people. We're trying to do the right thing.  
6 And sometimes that's not crystal clear. We can  
7 only make decisions based on the information we  
8 have.

9 So, I appreciate this whole process that we  
10 just went through, to get to where we are. I just  
11 wanted to say that.

12 **CHAIRMAN J. WILLIAMS:** Commissioner Caston, I  
13 appreciate your comments. I will tell you, before  
14 I was fortunate enough to be a part of this  
15 Commission, there was an allegation that the  
16 Commission uses a lot of rubberstamps. So when I  
17 became Chairman, the first order of business was to  
18 throw away all of the rubberstamps. And so whether  
19 it's up or down, my goal is to make sure that the  
20 Commission is very thoughtful in the decisions that  
21 we make and that we are consistent. And all of  
22 that is in an effort to rebuild the public trust in  
23 the Public Service Commission of South Carolina.  
24 And I think this process, no matter how it may turn  
25 out, I think we are ensuring that the process here  
26 is fair. So thank you for your comments.

27 **COMMISSIONER ERVIN<sup>[A/V]</sup>:** Mr. Chairman?

28 **CHAIRMAN J. WILLIAMS:** Commissioner Ervin.

1                   **COMMISSIONER ERVIN**<sup>[A/V]</sup>: Let me say that I have  
2                   no objection to reopening the hearing and giving  
3                   this young man an opportunity to come in, with the  
4                   assistance of his attorney, and clarify some of the  
5                   concerns that we have. And I hope he'll understand  
6                   that this is for everyone's best interests. We –  
7                   you know, we all have to follow rules and  
8                   regulations and, if we fall short at times, there  
9                   are consequences.

10                  So I don't think he's a bad person; that's  
11                  never what I thought. I thought he was a nice  
12                  young man trying to better himself, and I'm all for  
13                  that. But before he operates a box truck and  
14                  moving people's valuable possessions on our  
15                  highways, I think we do have a duty to know, number  
16                  one, why so many at-fault accidents in such a short  
17                  time? Number two, did he have insurance at the  
18                  time, to cover the damages, if any, that were  
19                  incurred? And these are concerns that I have,  
20                  because, you know, ORS is the investigatory body  
21                  but we're the regulators. We ultimately have to  
22                  decide these very difficult issues.

23                  And so I'm grateful we'll have a chance to  
24                  look at it again. I hope that the Applicant's  
25                  attorney can clarify some of these issues for us  
26                  and make our job easier, because, you know, we're  
27                  the last line of defense for the public when it  
28                  comes to protecting them and their property. And



1 we have to be mindful it's a balancing act. I want  
2 to be fair, but I also want to do our duty to  
3 protect the public interest.

4 And that's my thought, and I look forward to  
5 hearing further testimony and evidence in this  
6 case. Thank you.

7 **CHAIRMAN J. WILLIAMS:** Commissioner Ervin,  
8 you're welcome, and I totally agree with you. And  
9 I think it's important to note that this matter, as  
10 the motion – as I understand the motion, this  
11 matter will not be decided until that next hearing,  
12 sometime thereafter, and so this – for the public  
13 interest, this Applicant is not operating in the  
14 community at this point. So it's still up for  
15 determination, just so everyone out there watching  
16 understands that.

17 Any more Commissioner comments or discussion?

18 [No response]

19 Hearing none, we'll move to a vote on Vice  
20 Chair Belser's motion to reopen the matter for the  
21 limited purpose of reviewing the late-filed  
22 exhibits and hearing from the Applicant and ORS on  
23 those said exhibits.

24 Vice Chair Belser.

25 **VICE CHAIR BELSER:** I vote aye.

26 **CHAIRMAN J. WILLIAMS:** Commissioner Caston.

27 **COMMISSIONER CASTON<sup>[A/V]</sup>:** Aye.

28 **CHAIRMAN J. WILLIAMS:** Commissioner Ervin.

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**COMMISSIONER ERVIN<sup>[A/V]</sup>:** Aye.

**CHAIRMAN J. WILLIAMS:** Commissioner Thomas.

**COMMISSIONER THOMAS<sup>[A/V]</sup>:** Aye.

**CHAIRMAN J. WILLIAMS:** Commissioner Powers.

**COMMISSIONER POWERS:** Aye.

**CHAIRMAN J. WILLIAMS:** Chairman Williams votes  
aye. The ayes have it; the motion carries.

\_\_\_\_\_ [Excerpt Conclusion] \_\_\_\_\_



Date: 2/11/2021 .

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[A/V] = via Audio/Videoconference