

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

# ***SOUTH CAROLINA STATE REGISTER***

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

## **STYLE AND FORMAT**

Documents are arranged within each issue of the *State Register* according to the type of document filed:

**Notices** are documents considered by the agency to have general public interest.

**Notices of Drafting Regulations** give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

**Proposed Regulations** are those regulations pending permanent adoption by an agency.

**Pending Regulations Submitted to the General Assembly** are regulations adopted by the agency pending approval by the General Assembly.

**Final Regulations** have been permanently adopted by the agency and approved by the General Assembly.

**Emergency Regulations** have been adopted on an emergency basis by the agency.

**Executive Orders** are actions issued and taken by the Governor.

## **2023 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

## **REPRODUCING OFFICIAL DOCUMENTS**

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

## **PUBLIC INSPECTION OF DOCUMENTS**

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

## **EMERGENCY REGULATIONS**

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

## **EFFECTIVE DATE OF REGULATIONS**

**Final Regulations** take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

**Emergency Regulations** take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

## SUBSCRIPTIONS

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5126			Final Agency Decisions	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
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5130			Defined Program, Grades 9-12 and Graduation Requirements	05/10/2023	State Board of Education	Regs and Admin Procedures	Education
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5136			Certification of Need for Health Facilities and Services	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
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**Executive Order No. 2022-39**

**WHEREAS**, the undersigned has been notified that there presently exists a vacancy in the office of Clerk of Court of Anderson County due to the death of Richard A. Shirley; and

**WHEREAS**, in the event of a vacancy in the office of a county clerk of court, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as clerk of court pursuant to sections 1-3-220(2), 4-11-20(1), and 14-17-30 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, Catherine LouReena Thomason, of Anderson, South Carolina, is a fit and proper person to serve as Clerk of Court of Anderson County.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Catherine LouReena Thomason to serve as Clerk of Court of Anderson County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 16th DAY OF DECEMBER, 2022.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2022-40**

**WHEREAS**, certain areas in the southeastern region of the United States, including the State of South Carolina, are experiencing or are anticipated to experience hazardous winter weather conditions or a prolonged period of cold temperatures, which has increased the demand for certain heating fuels and other essential commodities; and

**WHEREAS**, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

**WHEREAS**, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

**WHEREAS**, section 56-5-70(B) of the South Carolina Code of Laws, as amended, provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor”; and

**WHEREAS**, on December 20, 2022, the Governor of North Carolina issued Executive Order No. 274 declaring a State of Emergency and suspending certain regulations governing commercial vehicles and operators of commercial vehicles due to the aforementioned current and forecasted weather conditions and the associated impact on the demand for propane and other essential heating fuels and drivers needed to transport the same; and

**WHEREAS**, the uninterrupted supply of electricity, essential fuels and petroleum products, and consumer goods is critical and any actual, potential, or perceived shortage or interruption in the availability,

## 4 EXECUTIVE ORDERS

transportation, or delivery of such assets, commodities, and materials would pose a threat to the public welfare; and

**WHEREAS**, for the aforementioned reasons, the undersigned has determined that it is necessary and prudent to provide additional regulatory flexibility to proactively assist in facilitating and supporting the operation of critical transportation services and mitigating or preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from any impacted areas in the State of South Carolina or in neighboring States.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order and direct as follows:

### **Section 1. Transportation Waivers to Address Winter Weather Conditions**

A. I hereby determine and declare that the existing and anticipated threats and circumstances described herein associated with the aforementioned winter weather conditions and corresponding impacts constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles responding to any emergency conditions in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities in connection with the same; responding to the declared emergency in the State of North Carolina or any declared emergency in the State of Georgia; or otherwise assisting with the existing or anticipated threats and circumstances associated with the aforementioned winter weather conditions, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include gasoline, diesel fuel, jet fuel, fuel oil, kerosene, propane, liquid petroleum, and other refined petroleum products and related equipment or assets), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips).

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as

otherwise provided by law, and notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle with five (5) weight bearing axles on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width (except as provided below), thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. Information regarding special permits for width on the National Network are available on DOT's website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.

6. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

## **Section 2. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

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E. This Order is effective immediately and shall remain in effect for thirty (30) days or until the declared emergency in the State of North Carolina is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 21st DAY OF DECEMBER, 2022.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2023-01**

**WHEREAS**, the undersigned has been notified of the passing of Frederick “Fred” B. Cavanaugh, Jr., who previously served as Mayor of the City of Aiken for nearly a quarter of a century; and

**WHEREAS**, in addition to his distinguished tenure as Mayor of the City of Aiken, Fred Cavanaugh previously served as a member of Aiken City Council and in various other state and local capacities; and

**WHEREAS**, prior to his distinguished public service, Fred Cavanaugh served honorably in the United States Air Force; and

**WHEREAS**, Fred Cavanaugh was a dedicated public servant, principled leader, tireless community advocate, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of public service; and

**WHEREAS**, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Wednesday, January 4, 2023, in honor of Fred Cavanaugh and in recognition of his extraordinary legacy and lifetime of public service. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 3rd DAY OF JANUARY, 2023.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2023-02**

**WHEREAS**, the undersigned has been notified of the passing of Joe E. Taylor, Jr., who previously served the State of South Carolina as Secretary of Commerce and more recently served as a member of the City Council of the City of Columbia; and

**WHEREAS**, in addition to his distinguished tenure as Secretary of Commerce and his recent service on Columbia City Council, Joe E. Taylor, Jr. previously served the State of South Carolina as a member and chairman of the Board of Directors of the South Carolina Jobs–Economic Development Authority, a member of the Board of Directors of the South Carolina Transportation Infrastructure Bank, and in various other state and local capacities; and

**WHEREAS**, Joe E. Taylor, Jr. was a dedicated public servant, principled leader, successful businessman, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

**WHEREAS**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

**WHEREAS**, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Thursday, January 5, 2023, in honor of Joe E. Taylor, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF JANUARY, 2023.**

**HENRY MCMASTER**  
**Governor**

**Executive Order No. 2023-03**

**WHEREAS**, the undersigned has been notified of the passing of E. DeWitt McCraw, who previously served as a member of the South Carolina House of Representatives; and

**WHEREAS**, in addition to his dutiful service as a member of the South Carolina House of Representatives, E. DeWitt McCraw previously served the State of South Carolina as a member of the Board of Trustees of Winthrop College, an official with the South Carolina Tax Commission, and in various other state and local capacities; and

**WHEREAS**, prior to his distinguished public service, E. DeWitt McCraw served honorably in the South Carolina National Guard; and

**WHEREAS**, E. DeWitt McCraw was a dedicated public servant, principled leader, tireless community advocate, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

## **8 EXECUTIVE ORDERS**

**WHEREAS**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

**WHEREAS**, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Monday, January 9, 2023, in honor of E. DeWitt McCraw and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 8th DAY OF JANUARY, 2023.**

**HENRY MCMASTER  
Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **January 27, 2023**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Charleston County****Arcis Healthcare d/b/a Low Country Orthopedics & Sports Medicine, LLC**

Purchase of a 1.5T MRI scanner at a total project cost of \$1,875,450.00.

**Affecting Greenville County****Imago MRI of Pelham, LLC d/b/a Imago MRI**

Construction of an 1800 sf MRI imaging facility and the purchase of a 3.0T MRI at a total project cost of \$1,872,915.00.

**St. Francis Hospital, Inc. d/b/a St. Francis Downtown**

Renovation of existing 31,686 sf for an addition of 55 acute care beds for a total of 300 beds at a total project cost of 44,585,828.00.

**Affecting Lexington County****Chapin Orthopedic Surgery Center**

Renovation for the addition of 4,264 sf to the existing ASF of 10,811 sf for a total of 15,075 sf and the addition of two (2) ORs to the existing two (2) ORs for a total of four (4) ORs at a total project cost of \$5,298,972.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **January 27, 2023**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Anderson County****AnMed Health**

Construction of a 14,933 sf Freestanding Emergency Department (FSED) in Anderson County at a total project cost of \$16,233,025.

**Affecting Darlington County****Carolina Pines Regional Medical Center**

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$2,157,750.

**Affecting Horry County****Grand Strand Regional Medical Center, LLC d/b/a Carolina Forest Imaging Center**

Purchase of an GE Revolution Ascend 64 slice CT Scanner at a total project cost of \$1,275,801.38.

**Affecting Spartanburg County****Premier Treatment of Spartanburg, LLP**

Establishment of an Opioid Treatment Program (OTP) in Spartanburg County at a total project cost of \$71,000.

## 10 NOTICES

### **Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center-Church Street Campus**

Addition of a 6th Comprehensive Cardiac Catheterization Laboratory in the Heart Center at a total project cost of \$3,355,673.14

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

### **NOTICE OF GENERAL PUBLIC INTEREST**

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than February 27, 2023 to:

Contractor Certification Program  
South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management - Underground Storage Tank Program  
Attn: Michelle Dennison  
2600 Bull Street  
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

#### **Class I**

#### **Applied Science & Engineering, LLC**

Attn: Kenneth E. Czoer  
550 North Reo Street, Ste 105  
Tampa, FL 33609



Document No. 5175  
**CLEMSON UNIVERSITY**  
CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

- 27-55. Tropical Soda Apple Quarantine.
- 27-56. Benghal Dayflower Quarantine.
- 27-57. Emerald Ash Borer Quarantine.

**Preamble:**

The proposed regulation changes will update the listing of current plant pest quarantine areas by removing certain plant pests.

Section-by-Section Discussion:

27-55. Tropical Soda Apple Quarantine.  
Delete text as listed below.

27-56. Benghal Dayflower Quarantine.  
Delete text as listed below.

27-57. Emerald Ash Borer Quarantine.  
Delete text as listed below.

The Notice of Drafting was published in the *State Register* on October 28, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

All written comments and requests for a public hearing should be sent to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. There will be a public hearing on these proposed regulations on March 6, 2023, unless no requests are made by February 27, 2023, at which time the hearing on March 6, 2023 will be cancelled.

**Preliminary Fiscal Impact Statement:**

None.

**Statement of Need and Reasonableness:**

These plant pests are now established in South Carolina and across the Southeast. The quarantine efforts have not been effective in stopping the spread of these plant pests and less restrictive efforts can be implemented that will lessen the impact to agriculture and forest industries in South Carolina.

DESCRIPTION OF REGULATION: Removing existing plant pest quarantines.

Purpose: To list and describe current plant pests and quarantine areas and conditions related to the control of said plant pests. In this case, the listing is being updated by removing the quarantine areas for Tropical Soda Apple, Benghal Dayflower and Emerald Ash Borer.

Legal Authority: 1976 Code Sections 46-9-40 and 46-9-50.

## 12 PROPOSED REGULATIONS

Plan for Implementation: Removing quarantine requirements will be effective upon legislative approval and signature by the Governor.

### DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Removing the quarantines will lessen the regulatory requirements but will not significantly impact the spread of these pests. Other less stringent regulatory actions can be utilized to mitigate the spread of these pests.

### DETERMINATION OF COSTS AND BENEFITS:

No increases in costs are expected.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

No significant impacts on the environment and public health.

### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

### Statement of Rationale:

These plant pests are now established in South Carolina and across the Southeast. The quarantine efforts have not been effective in stopping the spread of these plant pests and less restrictive efforts can be implemented that will lessen the impact to agriculture and forest industries in South Carolina. Continuing to maintain these quarantines will cost state resources with minimal impacts on reducing the spread of these plant pests. The threat of any state imposing an external quarantine on South Carolina is minimal as these pests are now established in many of our neighboring states.

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5176  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-1-320, and 4 U.S.C. Section 1, et seq.

43-188. Displaying the Flag.

### Preamble:

The State Board of Education proposes to amend R.43-188: Displaying the flag, to include schools shall display the official motto of the United States, "In God We Trust", and the official motto of South Carolina, "Dum spiro spero" and "Animis opibusque parati", and their respective translations.

Section-by-Section Discussion:

Section III Addition                      Added amended language

The Notice of Drafting was published in the *State Register* on December 23, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on March 10, 2023, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment to the regulation will be posted on the State Board of Education web site for review and comment.

Written comments should be submitted to Kenzie Riddle, Division of Legal Affairs, 1429 Senate Street, Columbia, SC 29201 or by e-mail to [emriddle@ed.sc.gov](mailto:emriddle@ed.sc.gov) on or before 5:00 p.m. on February 28, 2023.

**Preliminary Fiscal Impact Statement:**

SCDE indicates that the bill will have no expenditure impact on the agency. The requirement to make regulations for the display of the mottos and flag representations can be accomplished within existing appropriations. Additionally, enforcement of the Patriot Day, Constitution Day, and Patriotism Week activities can be accomplished within the normal course of agency business.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Displaying the flag.

Purpose: The purpose of this amendment is to comply with the directive provided for in Senate Bill 969 (State Board of Education) of the 2022-23 session. As directed by the South Carolina General Assembly pursuant to Senate Bill 969, the State Board of Education shall promulgate regulations specifying how the depictions shall be displayed and amend the current regulation to include the official mottos of the United States and South Carolina and their respective translations.

Legal Authority: 1976 Code Sections 59-5-60, 59-1-320, and 4 U.S.C. Section 1, et seq.

Plan for Implementation: The proposed amendments will be incorporated within Reg. 43-188 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

State Board of Education Regulation 43-188 outlines the displaying of the United States flag and the South Carolina flag. The purpose of this amendment is to comply with the directive provided for in Senate Bill 969 (State Board of Education) of the 2022-23 session. As directed by the South Carolina General Assembly pursuant to Senate Bill 969, the State Board of Education shall promulgate regulations specifying how the depictions shall be displayed and amend the current regulation to include the official mottos of the United States and South Carolina and their respective translations. The regulation shall be submitted to the State Board of Education for the first reading by January 11, 2023.

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### **DETERMINATION OF COSTS AND BENEFITS:**

See Preliminary Fiscal Impact Statement.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

There will be no effect on the environment or public health.

### **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

### **Statement of Rationale:**

To meet the requirements of Senate Bill 969 (State Board of Education) as established by the General Assembly, the State Board of Education proposes amendment R.43-188: Displaying the flag, to include schools shall display the official motto of the United States, “In God We Trust”, and the official motto of South Carolina, “Dum spiro spero” and “Animis opibusque parati”, and their respective translations.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5177

### **PUBLIC SERVICE COMMISSION**

#### **CHAPTER 103**

Statutory Authority: 1976 Code Sections 58-3-140 and 58-27-150

- 103-302. Definitions.
- 103-310. Location of Records and Reports.
- 103-330. Customer Information.
- 103-331. Customer Deposits.
- 103-333. Interest on Deposits.
- 103-339. Customer Billing.
- 103-340. Adjustment of Bills.
- 103-352. Procedures for Termination of Service.
- 103-370. Electrical Utility Inspection and Tests.
- 103-392. Safety Program.

### **Preamble:**

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission’s Article 3, Electric Systems Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

Section	Type of Change	Purpose
103-302.	Amendment/Revision	Amended to add definitions for local office or business office and for mail.
103-310.	Amendment/Revision	Amended to require all records be maintained by a utility under Chapter 103, Article 3 either within South Carolina or in an accessible cloud-based or other electronic records retention system.
103-330.	Amendment/Revision	Amended to allow posting of utilities' rate schedules on the utility's website and in each local office.
103-331.	Amendment/Revision	Amended to allow utilities, at the utility's option, to require a non-residential customer to furnish a letter of credit or surety bond in lieu of any cash deposit as a customer deposit.
103-333.	Amendment/Revision	Amended to clarify when interest on deposits ceases and the mode to communicate to the customer the cessation of interest on the deposit.
103-339.	Amendment/Revision	Amended to state the utility bill form shall show the Office of Regulatory Staff's telephone number and email address.
103-340.	Amendment/Revision	Amended to require interest to be paid when a customer is willfully overcharged as provided in S.C. Code Ann. Section 34-31-20(A) and to delete the requirement that the difference between the actual and estimated annual bill is to be resolved by one payment at the end of the equal payment plan year.
103-352.	Amendment/Revision	Amended to replace the word "house" with the word "hours" and to include gender neutral references.
103-370.	Amendment/Revision	Amended to correct terminology and to include gender neutral references.
103-392.	Amendment/Revision	Amended to correct a misspelled word.

## **16 PROPOSED REGULATIONS**

The Notice of Drafting was published in the *State Register* on November 25, 2022.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments by using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2022-359-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on March 1, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on April 5, 2023, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

### **Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

### **Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 3, Electric Systems.

Purpose: The purpose of the proposed changes to the Commission's Article 3, Electric Systems Regulations can be described generally as: adding definitions for local office or business office and for mail due to references to these terms in Article 3, Electric Systems; providing the location for records maintained by utilities; and allowing utilities to require a non-residential customer to furnish certain forms of customer deposits. The proposed changes also include requiring the publication of the Office of Regulatory Staff's telephone number and email address on customers' bills; providing that interest will be paid to customers who are willfully overcharged by the utility pursuant to S.C. Code Ann. Section 34-31-20(A); and including gender neutral references.

Legal Authority: 1976 Code Sections 58-3-140 and 58-27-150.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the *State Register*. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2022-359-A.

### **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The purpose of the proposed changes to Article 3, Electric Systems Regulations is to recommend amendments that reflect current utility operations, to increase efficiency and transparency; to correct misspelled words and to include gender neutral references.

### **DETERMINATION OF COSTS AND BENEFITS:**

The Commission, the public, and the regulated community will benefit from the proposed changes to the Article 3, Electric Systems Regulations due to updated regulations that reflect current utility operations and practices, increase efficiency and transparency, correct misspelled words, and incorporate gender neutral references.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Not applicable.

**Statement of Rationale:**

Changes to Article 3, Electric Systems Regulations are needed to update and to include current utility operations and practices, increase efficiency and transparency, to correct misspelled words, and to incorporate gender neutral references.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5178

**PUBLIC SERVICE COMMISSION**

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140 and 58-5-210

- 103-402. Definitions.
- 103-410. Location of Records and Reports.
- 103-430. Customer Information.
- 103-431. Customer Deposits.
- 103-433. Interest on Deposits.
- 103-436. Deposit Retention.
- 103-439. Customer Billing.
- 103-440. Adjustment of Bills.
- 103-495. Construction and/or Extensions of Pipelines. (New)

**Preamble:**

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission's Article 4, Gas Systems Regulations via written comments and oral comments at its publicly noticed workshops.

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### Section-by-Section Discussion:

Section	Type of Change	Purpose
103-402.	Amendment/Revision	Amended to add definitions for local office or business office and for mail
103-410.	Amendment/Revision	Amended to require all records be maintained by a utility under Chapter 103, Article 4 either within South Carolina or in an accessible cloud-based or other electronic records retention system and be available for inspection by the Office of Regulatory Staff or its authorized representatives
103-430.	Amendment/Revision	Amended to allow posting of utilities' rate schedules on the utility's website and in each local office and to include gender-neutral references
103-431.	Amendment/Revision	Amended to allow utilities to require a customer deposit from a non-residential customer and to allow the gas utility to use a variety of security options other than the payment of a two-month cash deposit and amended to require that the gas utility only notify non-residential customers of the provisions of Regulation 103-431, if the gas utility requires a customer deposit from the non-residential customer and to include gender-neutral references
103-433.	Amendment/Revision	Amended to clarify when interest on deposits ceases and the mode to communicate to the customer the cessation of interest on the deposit.
103-436.	Amendment/Revision	Amended to state when a utility is not required to refund a deposit to a non-residential customer.
103-439.	Amendment/Revision	Amended to state the utility bill form shall show the Office of Regulatory Staff's telephone number and email address
103-440.	Amendment/Revision	Amended to correct a misspelled word; amended to require interest to be paid when a customer is willfully overcharged as provided in S.C.



		Code Ann. Section 34-31-20(A) and to delete the requirement that the difference between the actual and estimated annual bill is to be resolved by one payment at the end of the equal payment plan year; and amended to include permissive language
103-495.	Add	Added to provide procedures when a gas utility intends to construct and/or extend a pipeline into an area where it does not currently have a pipeline or if a gas utility intends to construct and/or extend another pipeline in an area where it currently has a pipeline.

The Notice of Drafting was published in the *State Register* on November 25, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk’s Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments by using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2022-360-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on March 13, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on April 25, 2023, and on April 26, 2023, beginning at 10:00 a.m., unless otherwise ordered by the Chair of the Commission. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

**Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 4, Gas Systems.

Purpose: The purpose of the proposed changes to the Commission’s Article 4 Gas Systems Regulations can be described generally as: adding definitions for local office or business office and for mail due to references to these terms in Article 4, Gas Systems; requiring all records be maintained by a utility under Chapter 103, Article 4 either within South Carolina or in an accessible cloud-based or other electronic records retention system and for the records to be available for inspection by the Office of Regulatory Staff or its authorized representatives; allowing utilities to post utilities’ rate schedules on the utilities’ websites and in each local office; including gender-neutral references; and providing for security options to be posted by a non-residential customer when a customer deposit is required. The proposed changes also include: clarifying when interest on deposits ceases and

## **20 PROPOSED REGULATIONS**

the mode to communicate the cessation of interest on the deposit to the customer; and adding a proposed regulation relating to procedures when a gas utility intends to construct and/or extend a pipeline into areas where it does and does not have a pipeline.

Legal Authority: 1976 Code Sections 58-3-140 and 58-5-210.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2022-360-A.

### **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The purpose of the proposed changes to Article 4, Gas Systems Regulations is to increase efficiency and to increase transparency, recommend amendments that reflect current utility operations and include gender-neutral references.

### **DETERMINATION OF COSTS AND BENEFITS:**

The Commission, the public, and the regulated community will benefit from the proposed changes to the Article 4, Gas Systems Regulations due to increased efficiency and transparency, updated regulations which reflect current utility operations, and the inclusion of gender-neutral references.

### **UNCERTAINTIES OF ESTIMATES:**

Unknown, but minimal if they exist.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Not applicable.

### **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

Not applicable.

### **Statement of Rationale:**

Changes to Article 4 Gas Systems Regulations are needed to increase efficiency and to increase transparency, to recommend amendments that reflect current utility operations, and to include gender-neutral references.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.