

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2020-177-C- ORDER NO. 2020-522

AUGUST 14, 2020

IN RE: APPLICATION OF MASTEC NETWORK ) ORDER APPOINTING  
SOLUTIONS, LLC FOR A CERTIFICATE ) HEARING EXAMINER  
OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE RESOLD AND )  
FACILITIES-BASED LOCAL )  
EXCHANGE, EXCHANGE ACCESS )  
TELECOMMUNICATIONS SERVICES, )  
AND FOR LOCAL SERVICE OFFERINGS )  
TO BE REGULATED IN ACCORDANCE )  
WITH PROCEDURES AUTHORIZED IN )  
ORDER NO. 98-165, IN DOCKET NO. 97- )  
467-C )

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of the Commission Staff to appoint Jerisha Dukes, Esquire, to serve as a hearing examiner in the present Docket regarding the Application of MASTEC Network Solution, LLC for a Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier. Ms. Dukes would hear the evidence in the case without the presence of the Commission. We grant the Motion.

S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may

designate. The examiner may not be used in a telephone rate proceeding under the statute.

We note that the present proceeding is not a telephone rate proceeding.

Further, 10 S.C. Code Ann. Regs. 103-841 (2012) states that, when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation.

Ms. Dukes, a licensed attorney since 2018, is a Staff Attorney to the Commission and has been employed in that position since 2019. We believe that Ms. Dukes has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing him as hearing examiner.

In accordance with the preceding paragraphs, we make the following:

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.

2. The present proceeding is not a telephone rate proceeding.

3. 10 S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.

4. Ms. Dukes has the ability and knowledge to act as a hearing examiner in the present case.

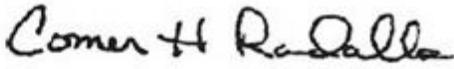
5. Ms. Dukes should be appointed as the hearing examiner in this case.

IT IS THEREFORE ORDERED:

The Commission hereby appoints Jerisha Dukes, Esquire, as the hearing examiner in the present case. Ms. Dukes shall follow all applicable statutes and regulations that may pertain to his appointment.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
Comer H. "Randy" Randall, Acting Chairman

(SEAL)



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

ADMINISTRATIVE MATTER   
 MOTOR CARRIER MATTER   
 UTILITIES MATTER

DATE August 12, 2020  
 DOCKET NO. 2020-177-C  
 ORDER NO. \_\_\_\_\_

**SUBJECT:**

DOCKET NO. 2020-177-C - Application of MASTEC Network Solutions, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange, Exchange Access Telecommunications Services, and for Local Service Offerings to be Regulated in Accordance with Procedures Authorized in Order No. 98-165, in Docket No. 97-467-C - Staff Presents for Commission Consideration the Appointment of a Hearing Examiner in Docket No. 2020-177-C.

**COMMISSION ACTION:**

Appoint Jerisha Dukes, Esquire, as Hearing Examiner in Docket No. 2020-177-C

PRESIDING: Randall

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER	
BELSER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
HAMILTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		voting via videoconference
WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Military Leave

(SEAL)

RECORDED BY: J. Schmieding

