

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2020-171-C - ORDER NO. 2020-514

AUGUST 12, 2020

IN RE: Application of Clear Rate Communications,	)	ORDER APPOINTING
Incorporated for a Certificate of Public	)	HEARING EXAMINER
Convenience and Necessity to Provide Non	)	
Facilities-Based Local Exchange and Resold	)	
Long Distance Telecommunications Services	)	
and for Flexible Regulation of Its Local	)	
Exchange Services and Alternative	)	
Regulation of Its Long Distance Service	)	
Offerings	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Commission Staff to appoint Josh Minges, Esquire, as a “hearing examiner” for a hearing regarding the Application filed by Clear Rate Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Non Facilities-Based Local Exchange and Resold Long Distance Telecommunications Services. Mr. Minges 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 (2015) 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. Section C of the regulation requires that the presiding officer mail to the parties of record a proposed order when a majority of the Commissioners do not hear a formal proceeding or read the record thereof. The proposed order shall contain a statement of facts relied upon in formulating such order and each issue of fact or law necessary to it. The regulation then describes a mechanism for the parties to take exception to the proposed order and ultimately states, among other things, that the Commission will issue the final order in the case based upon the record, the proposed order, and other materials and any oral arguments that may take place. We believe that this regulation describes the appropriate procedure for Mr. Minges to employ as a hearing examiner in the present case.

Mr. Minges, a licensed attorney since 2004, is a Staff Attorney to the Commission and has been employed in that position since 2006. We believe that Mr. Minges 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 (2015) 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. Mr. Minges has the ability and knowledge to act as a hearing examiner in the present case.

5. Mr. Minges should be appointed as the hearing examiner in this case.

**ORDER**

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

BY ORDER OF THE COMMISSION:

*Comer H Randall*

Comer H. "Randy" Randall, Acting Chairman

(SEAL)



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

ADMINISTRATIVE MATTER   
 MOTOR CARRIER MATTER   
 UTILITIES MATTER

DATE August 05, 2020  
 DOCKET NO. 2020-171-C  
 ORDER NO. \_\_\_\_\_

**SUBJECT:**

DOCKET NO. 2020-171-C - Application of Clear Rate Communications, Incorporated for a Certificate of Public Convenience and Necessity to Provide Non-Facilities Based Local Exchange and Resold Long Distance Telecommunications Services and for Flexible Regulation of Its Local Exchange Services and Alternative Regulation of Its Long Distance Service Offerings - Staff Presents for Commission Consideration the Appointment of a Hearing Examiner in Docket No. 2020-171-C.

**COMMISSION ACTION:**

Appoint Josh Minges, Esquire, as Hearing Examiner in Docket No. 2020-171-C.

PRESIDING: Randall

SESSION: Regular

TIME: 10:00 a.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 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 checked="" 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

