

# **Annual Accountability Report**

**FY 2014-2015**



*South Carolina Office  
Of  
Regulatory Staff*

AGENCY NAME:	Office of Regulatory Staff		
AGENCY CODE:	R06	SECTION:	073



## Fiscal Year 2014-15 Accountability Report

### SUBMISSION FORM

**AGENCY MISSION**

The Office of Regulatory Staff represents the public interest in utility regulation by balancing the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina.

Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
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I have reviewed and approved the enclosed FY 2014-15 Accountability Report, which is complete and accurate to the extent of my knowledge.

**AGENCY DIRECTOR  
(SIGN/DATE):**

**(TYPE/PRINT NAME):**

C. Dukes Scott

**BOARD/CMSN CHAIR  
(SIGN/DATE):**

**(TYPE/PRINT NAME):**

Senator Thomas C. Alexander, Chairman, State Regulation of Public Utilities Review Committee

## AGENCY'S DISCUSSION AND ANALYSIS

### INTRODUCTION

The Office of Regulatory Staff (ORS) is charged with representing the public interest in utility regulation by taking a balanced approach that equally considers the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina. Under this overarching mission, the ORS established 5 strategic goals that are the touchstones for the agency's annual strategic planning and assessment of performance.

1. The ORS is responsive to the public.
2. The ORS promotes excellence in each regulated industry.
3. The ORS operations provide value to the citizens of South Carolina.
4. The ORS is alert and anticipates state and federal regulatory and industry developments and their effects on South Carolina.
5. The ORS operations are marked by professional excellence.

This brief report covers highlights of accomplishments from FY 14-15 and a look ahead at major programs and initiatives that will carry into FY 15-16 and beyond.

### FY 14-15: HIGHLIGHTS

**Settlements.** From the agency's inception through June 30, 2015, ORS efforts have resulted in **430** settlements and agreements generating savings to consumers currently estimated at over **\$1.6 billion**

#### **ORS Surpasses 1.6 Billion in Settlement Dollars (Totals for each fiscal year reported in millions)**

<b>FY 04-05</b>	<b>63.356</b>
<b>FY 05-06</b>	<b>95.475</b>
<b>FY 06-07</b>	<b>59.794</b>
<b>FY 07-08</b>	<b>114.662</b>
<b>FY 08-09</b>	<b>147.692</b>
<b>FY 09-10</b>	<b>198.992*</b>
<b>FY 10-11</b>	<b>233.461</b>
<b>FY 11-12</b>	<b>405.436</b>
<b>FY 12-13</b>	<b>83.097</b>
<b>FY 13-14</b>	<b>175.000</b>
<b>FY 14-15</b>	<b>45.983</b>

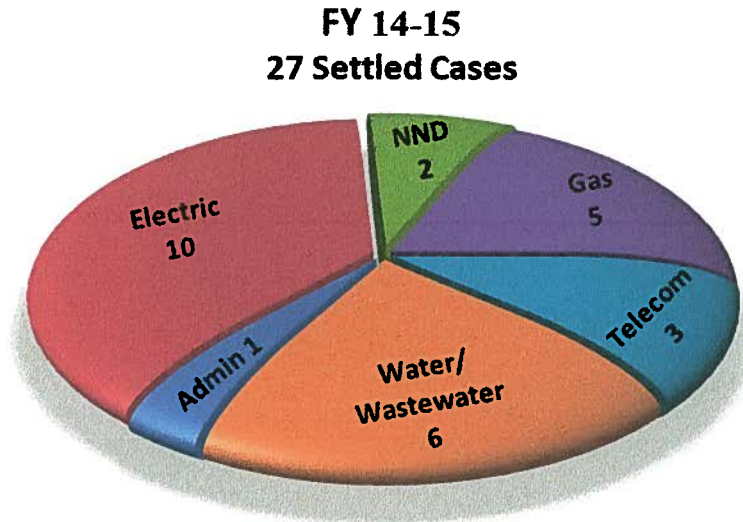
**TOTAL \$1,622,948,169**

\* In FY 09-10, an upward adjustment in savings in the United Utilities Co., Inc. (UUC) ruling (from \$409,876 to \$437,964) was made after certain year-end reports had been finalized. Hence, some of the reports indicate a total year-end settlement savings of \$198,963,808 while others indicate a total for year-end of \$198,991,896 – the difference being the \$28,088 upward adjustment in the UUC ruling.

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Fiscal Year 2014-2015 was another impressive year in terms of settling cases. Of the aforementioned cumulative totals occurring since agency inception, **27** settlements and approximately **\$46 million** in savings occurred during FY 14-15.

The breakdown of settlements by industry is illustrated graphically below:



**Economic Development.** During FY 14-15, the ORS Executive Director briefed representatives of national investment firms, research groups, and trade publications on issues of interest to them in South Carolina, including the State’s regulatory environment, the V.C. Summer nuclear construction, and the potential of solar energy in South Carolina, among others. The agency provided 59 comment letters regarding requests by electric and gas utilities for various financing options, special purchases, tariff modifications, or industrial incentives, which generally aid in the recruitment of new industry, retention of existing industry, and the financial health of South Carolina. Several of these letters directly pertained to economic development in the State. Examples of major economic incentives supported include:

- Two new electric contracts (and amendments to existing ones) between SCE&G and Boeing. Boeing announced in 2013 an expansion program in North Charleston involving a 737 Max Propulsion plant and a Boeing Research and Technology facility. Boeing anticipates investing **\$1 billion** and creating **2,000 jobs** over the next decade.
- An electric contract between SCE&G and Green Link Wood Industries, Inc., a hardwood veneer manufacturer in Bamberg County. The Company is a supplier to nationally known flooring retailers and expects the approximately **\$1.2 million** planned investment to create **44 jobs**.

As mandated by the Base Load Review Act (BLRA), the ORS continued its oversight of the *construction progress* and *costs* associated with SCE&G’s V.C. Summer Units 2&3. Nuclear construction at VC Summer continues to make progress, with 38 of the 146 BLRA milestones remaining at the time of this writing.

As of the end of CY 2014, SCE&G had spent approximately \$2.8 billion on this project. The cumulative amount projected to be spent by December 31, 2015 is \$3.7 billion. At present, the construction of these two nuclear

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units is creating approximately 4,100 jobs. In addition, it is forecasted that approximately 800 permanent jobs will be added when the Units begin generating electricity.

In its 2015 BLRA nuclear update filing (2015-103-E) submitted in March of 2015, SCE&G sought to increase its capital cost schedule and to amend the construction schedule for Units 2&3 at the VC Summer nuclear station. SCE&G sought to add approximately \$698 million to the 2007 budget excluding inflation adjustments and to extend the substantial completion dates to June 19, 2019 and June 16, 2020 for Units 2&3 respectively. Further, along with changes in escalation rates, this addition will increase the gross construction cost of the Units in current dollars from \$5.7 billion to \$6.8 billion for SCE&G’s 55% share.

The ORS devoted a great deal of time and resources to this issue. Under the BLRA, SCE&G is entitled to these modifications so long as the delays and cost increases are not the result of imprudence on the part of the Company. Based on the ORS’ review, the ORS did not find a preponderance of evidence to suggest that imprudence on the part of SCE&G was the cause. Approximately 77% of the request, or \$539 million, was due to delay and other contested costs. The additional costs are primarily the result of a delay in fabricating sub-modules by Chicago Bridge & Iron at its Lake Charles, Louisiana facility.

The ORS analyzed this matter in line with its mission of representing the public interest as it is defined in Act 175 – i.e., balancing the interests of the consumer, economic development, and the financial integrity of public utilities. For the latter, maintaining financial integrity is crucial so that a utility can raise the necessary capital to invest in and maintain the infrastructure required to provide adequate and reliable service. Also, with today’s technology, nuclear is the single greatest carbon-mitigation energy resource available.

**Consumer Advocacy.** In FY 14-15, the ORS continued its consistent record of providing consumers with a means of informally resolving issues with regulated utilities, thus avoiding the more costly procedure of a formal hearing at the Public Service Commission of South Carolina (PSC). The ORS Consumer Services processed approximately **2,517** complaints and inquiries and saved customers approximately **\$224,376**. Three annually recurring savings are included in this total. They are as follows: \$102,972 (originating in FY 12-13) as the result of the ORS recovering this amount for a sewer customer; \$7,764 and \$19,522 (originating in FY 13-14) due to resolution of complaints for two sewer customers.

In addition, the ORS brings together diverse interests and provides great value to South Carolinians, as evidenced by the Senior Weatherization Fund that came to fruition in FY 14-15. As part of the negotiations by the ORS in the Duke Energy Carolinas (DEC) last rate case, DEC agreed to make, at shareholder expense, a \$1 million contribution under the direction of the ORS to support senior-citizen outreach. To assist in determining the best use of these funds, the ORS Executive Director worked closely with the Lieutenant Governor’s Office to select individuals experienced with issues facing seniors and appoint them to a Senior Citizens Advisory Committee.

After months of consideration and review, the Committee determined that the majority of the funds (\$750,000) would be best used in weatherizing and rehabilitating homes for seniors. Many senior citizens live in homes that are not properly weatherized. It becomes a vicious cycle for seniors who lack funds to weatherize their homes, bear the burden of resulting high utility bills, and endure the discomfort of being too hot in summer and too cold in winter. This program will add immeasurably to their quality of life.

The generosity of Duke’s contribution, the decision of the PSC to approve the settlement, the foresight of the Lt. Governor’s Office, and the hard work of the ORS and Senior Citizens Advisory Committee came to fruition in

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creating this unique program to benefit seniors at no cost to tax payers or electric customers. The result represents cooperation at its finest.

**Inclement Weather and Emergency Management.** In February 2015, a winter storm and record-low temperatures threatened South Carolina and kept the ORS EMD (Emergency Management Division) team on alert. Fortunately, South Carolina was spared the brunt of the storm with minimal damages and outages reported, and power restoration occurred rapidly. The ORS worked closely with investor-owned electric utilities (mostly Duke Energy for this storm), the electric cooperatives, the S.C. Emergency Management Division (EMD), the S.C. Association of Municipal Power Systems, and the Governor’s Office in responding to power outages and restoring power as quickly as possible. In a second incident of inclement weather that month, record-low temperatures resulted in the electric IOUs and Santee Cooper breaking their all-time peak demand records. The ORS coordinated with the electric suppliers to plan for the peak demand and to issue proactive communications to customers on how to conserve energy so that all the companies were able to meet the demand.

**Comments on EPA’s Clean Power Plan (Proposed Rule EPA-HQ-OAR-2013-0602).** The ORS engaged in a year-long effort with the DHEC Bureau of Air Quality Stakeholders Group (including representatives of DHEC, conservationist groups, and utilities) to anticipate and examine issues related to the EPA’s Clean Power Plan, also known as Proposed Rule 111(d). Issued on June 2, 2014, the Proposed Rule pertains to the reduction of greenhouse-gas emissions from existing fossil-fuel-fired generating units. It has been estimated that the Rule, as proposed, could cause substantial increases in the rates and bills for electricity in South Carolina with the potential to also adversely affect the reliability of electric service. The ORS prepared comments and contributed to others’ comments, all of which were filed in December 2014. These comments recommended several modifications to the Proposed Rule that would make it more workable for South Carolina.

**Distributed Energy Resource (DER) Program Act (Act 236).** In FY 14-15, the ORS spent considerable time and effort on energy efficiency initiatives that will affect the economic climate in South Carolina for years to come. The passage of Act 236 in late FY 13-14 created a distributed energy resources program for South Carolina. This law produced new long-term responsibilities for the ORS. Subsequent to the signing of Act 236, the ORS requested (and was granted by the PSC) a generic proceeding to establish the net-metering methodology for use by the electric utilities. As encouraged by Act 236, the ORS retained a consulting firm, Energy and Environmental Economics, Inc. (E3), to assist the ORS and interested parties in a collaborative approach to establishing a net metering methodology. The ORS and E3 sent a survey to the sixteen other intervenors in the net metering proceeding requesting their feedback on items to include in the net metering methodology calculation. In addition, the ORS gathered data from the electric IOUs to be used when calculating potential benefits and costs of net metering. Stakeholder meetings were held, and the ORS served as the facilitator to resolve disputes and issues.

The 17 total intervening parties included the ORS, the electric IOUs, conservation groups, solar advocates and developers, industrial customers, and small businesses. Through an intensive collaborative effort among the ORS and all parties that spanned several weeks, a draft methodology proposal was developed, agreed upon, and signed by 14 of the 17 parties. The remaining three parties did not oppose the methodology. The settlement that was reached encourages renewable energy in South Carolina while honoring the intent of Act 236.

As a next step in the process, the ORS facilitated settlement agreements with the three major electric IOUs in developing their DER programs. These settlements were the result of intensive efforts that included many hours of negotiations, discussions, and meetings with all parties. Settlements were reached for the DER programs of Duke Energy Carolinas (DEC), Duke Energy Progress (DEP), and SCE&G. For the DEC and DEP settlement agreements, all parties signed except the Sierra Club who, while they did not sign, said they were not opposed

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to the settlement terms. For the SCE&G DER program, a settlement was filed on May 26, 2015. The Sierra Club, the Electric Cooperatives of SC, and Central Electric Cooperatives did not sign; however, all three stated they were not opposed to the settlement terms.

Act 236 also charges the ORS with the oversight and administration of third-party leasing of renewables. FY 14-15 was devoted to establishing the groundwork to administer this program.

## Looking Ahead

**Energy Office and State Energy Plan.** As mandated by restructuring legislation, the Energy Office became part of the ORS effective July 1, 2015. The creation of a State Energy Plan is a major priority and will be a multi-year process; efforts to develop the Plan are already underway and include stakeholder input. The State Energy Plan will, among other things, describe the current status of the energy infrastructure, resources, and consumption in South Carolina. It will contain a forecast of changes in these elements over a five- and ten-year time horizon. In addition, it will offer recommendations regarding appropriate policy changes needed to meet future energy needs in the most economical fashion possible.

**Clean Power Plan, also known as 111(d).** On August 3, 2015, the EPA issued a notice containing the final rule on the Clean Power Plan, also known as 111(d); the rule is pending publication in the Federal Register and becomes effective 60 days after its publication. A next step is the development of a State Implementation Plan (SIP). At the time of this writing, collaboration with stakeholders on drafting the SIP has already begun and will continue well into FY 15-16.

**Act 236 – Net Metering and DER Programs.** The ORS will continue to fulfill responsibilities arising from Act 236. The three main components of the Act are the net metering methodology, DER programs, and third-party leasing of renewables. In FY 14-15, the ORS achieved a settlement in establishing the net metering methodology and then achieved 3 additional settlements in establishing DER programs for the 3 major electric IOUs. As of this writing, seven proceedings related to Act 236 have been filed and completed before the PSC. There were as many as 17 parties to each case. In every case, the ORS was able to facilitate a consensus among the parties such that there was not one contested issue for the PSC to decide.

As a result of the net metering rates being approved, the DER programs of DEP, DEC, and SCE&G are ready to be implemented and third-party leasing of renewables takes effect in FY 15-16. A renewables leasing company will be required to register with the ORS every facility installation within 30 days of completion. The ORS continues to develop the facility registry as required by Act 236. We anticipate many questions from a variety of stakeholders as we enter this new era for South Carolina.

Additional responsibilities arising from Act 236 include the review of DER costs in each electric IOU's annual fuel review. Also, Act 236 mandates that the interconnection standards of the electric IOUs be revised, and it is anticipated that the utilities will file revised interconnection standards in 2015. At the time of this writing, the ORS has begun working with all stakeholders in an attempt to achieve consensus in drafting the revised standards. In addition, the ORS is gathering data in preparation for upcoming reports required by Act 236, including a cost-shifting report that is due December 31, 2015.

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<b>Strategic Planning Template</b>		

Type	Goal	Item # Strat	Object	Description
G	1			The ORS is responsive to the public.
S		1.1		Maximize the number of consumer complaints resolved through informal resolution to avoid the more costly formal hearing at the PSC.
O			1.1.1	Respond to and resolve the increasing number of complaints regarding household goods movers.
S		1.2		Promote consumers' best interest with regard to utility regulation.
O			1.2.1	Coordinate power-restoration efforts among electric suppliers, EMD, and the Governor's Office in emergency events.
O			1.2.2	Educate consumers on their basic rights with regard to investor-owned utility companies.
G	2			The ORS promotes excellence in each regulated industry.
S		2.1		Maximize compliance among regulated utilities through audits, site visits, inspections, and technical assistance.
O			2.1.1	Assist emergency first responders in understanding Federal Railroad Administration's new tank-car rules for responding to rail incidents involving hazardous materials.
O			2.1.2	Increase personnel hours devoted to identifying unauthorized household goods carriers advertising on the internet.
O			2.1.3	Support the regulated telecommunications companies with the roll-out of a new 854 area code in the 843 area code region and with mandatory 10-digit dialing beginning in September 2015.
S		2.2		Provide educational forums or opportunities for representatives of regulated utilities.
O			2.2.1	Conduct educational forum for transportation carriers.
O			2.2.2	Conduct workshop for water and wastewater companies.
G	3			The ORS' operations provide value to the citizens of South Carolina.
S		3.1		Represent the public interest in cases and facilitate settlements and agreements.
O			3.1.1	Settle cases in an equitable manner that balances the interests of consumers and regulated utilities.
S		3.2		Encourage economic development in South Carolina.



O			3.2.1	Support efforts of regulated utilities in attracting new industry or encouraging expansion of existing industry in South Carolina.
O			3.2.2	Monitor the construction progress and costs associated with VC Summer Units 2&3.
G	4			The ORS is alert and anticipates state and federal regulatory and industry developments and their effect on South Carolina.
S		4.1		Fulfill responsibilities arising from the Distributed Energy Resource (DER) Program Act (Act 236).
O			4.1.1	Promulgate interconnection standards for the electric IOUs as mandated by Act 236.
O			4.1.2	Complete a cost-shifting report by December 31, 2015 as mandated by Act 236.
O			4.1.3	Administer the new third-party leasing of renewables program.
S		4.2		Assist in the development of a State Implementation Plan (SIP) in response to the EPA's issuance of a final rule on the Clean Power Plan, aka 111(d).
O			4.2.1	Work with all stakeholders (electric IOUs, electric coops, conservationists, etc.) to provide rate and regulatory insight to achieve consensus on the SIP.
S		4.3		Begin development of a State Energy Plan, which will be a multi-year process.
O			4.3.1	Work with all stakeholders (electric IOUs, electric coops, conservationists, etc.) to establish parameters for the Plan.
G	5			The ORS' operations are marked by professional excellence.
S		5.1		Remain within budgetary limits established by the General Assembly in the Appropriations Act through the practice of deficit monitoring.
O			5.1.1	Review expenditures and available budget authority on a monthly basis to ensure no deficit occurs.
S		5.2		Continue to improve cyber security protection for the ORS in line with state initiative.
O			5.2.1	Develop and implement plans, processes, and procedures for cyber security protection.
O			5.2.2	Participate in monthly meetings, focus groups, and training led by SC Division of Information Security and S.C. Division of Technology.
S		5.3		Provide staffing for current needs while planning for the future.
O			5.3.1	Conduct workforce planning through quarterly reviews of staffing needs.

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Item	Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.	Calculation Method	Associated Objective(s)
1	Consumer Complaints & Inquiries	2,804	2,517	100% of requests	July 1 - June 30	Internal database	Annual	Contacts via telephone and online	1.1.1
2	Lead Role in ESF 12 - SC Emergency Management Division (Meetings Attended)		208	100% of requests	July 1 - June 30	Program Areas, as requested	Annual	Scheduled Meetings & Emergency Response	1.2.1
3	Informational Materials Distributed	22,482	33,127	as needed to provide education to the public	July 1 - June 30	Consumer Services Program, as requested	Annual	quantity of brochures mailed	1.2.2
4	Provide Technical Assistance to regulated companies and other entities	18,806	21,420	100% as needed	July 1 - June 30	phone and email records	Annual	quantity of contacts	2.1.1, 2.1.2, 2.1.3
5	Provide Educational Forums to industry & community	103	117	100% of requests	July 1 - June 30	Program Areas, as requested	Annual	Scheduled Forums/Speeches & Presentations given	2.2.1, 2.2.2
6	Legislative Contacts/Requests	59	81	100% of requests	July 1 - June 30	phone and email records	Annual	Daily Logs	1.1.1, 1.2.1, 3.1.1
7	Media Contacts/Requests	149	167	100% of requests	July 1 - June 30	phone and email records	Annual	Daily Logs	1.1.1, 1.2.1, 2.1.3, 3.1.1, 3.2.1, 3.2.2
8	Issued Equipment to Hearing- and Speech-impaired citizens	2,831	1,700	100% of qualified applications	July 1 - June 30	SCEDP Database	Annual	quantity of equipment shipped	1.2.2
9	Settled Docketed Matters and Other Matters	29	27	varies depending on caseload	July 1 - June 30	Program Areas, as requested	Annual	Settlements of Docketed Matters, and other matters	3.1.1
10	On-Site Project Reviews at VC Summer Nuclear Construction Site		112	varies depending on construction schedule	July 1 - June 30	Program Areas, as requested	Annual	Daily Logs	3.2.2
11	Investor-owned Electric Utilities with DER Plans approved by the Public Service Commission negotiated by ORS		3	100% of docketed cases	July 1 - June 30	Legal Department	as needed	Docket Management System - Public Service Commission	4.1.1
12	Employees completed Cyber Security Training	100%	100%	100%	July 1 - June 30	Cyber Security Specialist	Annual	response in training database	5.2.1, 5.2.2
13	Employees completed Ethics training as required by Statute	100%	100%	100%	July 1 - June 30	HR Manager	Annual	Attendance Records	5.2.1
14	Workforce Planning & Strategic Planning Reviews	4	4	4	July 1 - June 30		quarterly	quarterly meetings	5.3.1



Program Template

Agency Name: **Office of Regulatory Staff**  
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Program/Title	Purpose	FY 2013-14 Expenditures			FY 2014-15 Expenditures			Associated Objective(s)
		General	Other	Federal	General	Other	Federal	
I. Office of the Executive Director (includes Executive Director, Deputy Executive Director, Public Information, and Legal)	Provide leadership for the agency; Provide information to the public regarding ORS; Represent ORS and the public in legal proceedings before the Public Service Commission; Provide legal services to ORS	\$ 1,416,126	\$ 1,416,126	\$ 1,416,126	\$ 1,416,126	\$ 1,270,855	\$ 1,270,855	1.2.1, 2.1.3, 3.1.1, 3.2.1, 3.2.2, 4.1.1, 4.1.2, 4.1.3, 4.2.1, 4.3.1, 5.3.1
II. Support Services (Consumer Services, Audit, Administration)	Provide customer service to consumers, transportation companies, and regulated utilities; Perform audits of regulated utilities; Support ORS in finance and administration	\$ 2,190,514	\$ 2,190,514	\$ 2,190,514	\$ 2,280,173	\$ 2,280,173	\$ 2,280,173	1.1.1, 1.2.2, 2.1.3, 3.1.1, 3.2.2, 5.1.1, 5.2.1, 5.2.2, 5.3.1
III. Telecommunications, Transportation, Water and Wastewater	Monitor regulated telecommunications, water and wastewater utilities; Monitor transportation carriers; Ensure safety of State railways	\$ 1,479,121	\$ 1,479,121	\$ 1,479,121	\$ 1,418,682	\$ 1,418,682	\$ 1,418,682	1.1.1, 1.2.1, 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2, 3.1.1, 5.3.1
IV. Utilities, Electric and Gas	Monitor regulated electric and gas utilities; Ensure safety of gas pipelines	\$ 1,649,903	\$ 1,649,903	\$ 1,659,403	\$ 1,636,121	\$ 1,636,121	\$ 1,636,121	1.2.1, 1.2.2, 3.1.1, 3.2.1, 3.2.2, 4.1.1, 4.1.2, 4.1.3, 4.2.1, 4.3.1, 5.3.1
V. Dual Party Relay	Regulate a statewide program to provide access to basic phone service for the hearing and speech impaired	\$ 2,967,898	\$ 2,967,898	\$ 2,967,898	\$ 2,534,370	\$ 2,534,370	\$ 2,534,370	1.2.2, 2.1.3, 5.3.1
VI. Energy Programs	Promotes energy efficiency and cost savings through financial assistance, energy audits and assessments, technical assistance, workshops, training, publications, and other informational activities. Program also provides management oversight of the radioactive waste disposal facility in Barnwell County.	\$ 463,556	\$ 463,556	\$ 909,344	\$ 487,660	\$ 793,026	\$ 1,280,686	4.2.1, 4.3.1
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
FY 2013-14 and FY 2014-15 Energy Program Expenditures are based on information provided for the SC Energy Office as a division of the B&CB by the B&CB.		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	