



Office of the Speaker
South Carolina House of Representatives

P. O. BOX 11867

Columbia 29211

(803) 734-3125

April 9, 2020

DISTRICT 65
CHESTERFIELD-DARLINGTON-
KERSHAW-LANCASTER
COUNTIES

HOME ADDRESS
1744 GARLAND DRIVE
HARTSVILLE, SC 29550
(843) 383-9421

JAMES H. LUCAS
SPEAKER OF THE HOUSE

Mr. Dan J. Ray, Chairman of the Board
Mr. Mark Bonsall, President and Chief Executive Officer
Post Office Box 2946101
Moncks Corner, South Carolina 29461

Delivered Via Email

Dear Mr. Ray and Mr. Bonsall:

We are writing to make a request pursuant to the South Carolina Freedom of Information Act (SCFOIA) and under Proviso 91.25 for information, records and documents in the possession of Santee Cooper, its employees, Board members, law firms, consultants, or lobbyists employed or retained by Santee Cooper.

It is our belief that even if certain requested information is subject to exceptions or redactions under SCFOIA, Budget Proviso 91.25 requires the full and immediate disclosure of all requested information regardless of the custodian or format.

As a reminder, Budget Proviso 91.25 reads: **The departments, bureaus, officers, commissions, institutions, and other agencies or undertakings of the State, upon request, shall immediately furnish to President of the Senate or the Speaker of the House of Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.**

This is state law and contains an unambiguous instruction to any state agency. Your full and immediate compliance is expected.

We are requesting the immediate disclosure of the following records and documents:

- 1) Any and all email, written or text correspondence between Santee Cooper Board members or employees (employees include but are not limited to Mr. Bonsall, Mr. Duckworth, Mr. Baxley, Mr. Penland, and Ms. Gore) as well as any and all email, written or text correspondence to or from any attorney retained or employed by Santee Cooper concerning any proposed legislation pending before either house of the South Carolina General Assembly during the prior 45 days.
- 2) Any and all records indicating any telephonic, cellular, or text contact between any Santee Cooper Board members or employees (employees include but are not limited to Mr. Bonsall, Mr. Duckworth, Mr. Baxley, Mr. Penland, and Ms. Gore) and any members of the South Carolina General Assembly or their staff during the prior 45 days.

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- 3) Any and all emails between any Santee Cooper Board members or employees (employees include but are not limited to Mr. Bonsall, Mr. Duckworth, Mr. Baxley, Mr. Penland, and Ms. Gore) and any members of the South Carolina General Assembly or their staff during the prior 45 days.
- 4) Any and all documents, memorandum, reports or other printed or written materials, regardless of form or format, produced for or at the request of any Santee Cooper Board member, Mr. Bonsall, Mr. Duckworth, Mr. Baxley, Mr. Penland, or Ms. Gore that concerns any legislation pending before the South Carolina General Assembly during the current legislative session. This request includes any relevant documents produced or written by any law firm retained or employed by Santee Cooper.
- 5) Any and all documents, memorandum, reports or other printed or written materials, regardless of form or format, produced for or at the request of any Santee Cooper Board member, Mr. Bonsall, Mr. Duckworth, Mr. Baxley, Mr. Penland, or Ms. Gore that concerns any and all plans for what Santee Cooper has generally referred to as its "Reform Plan." This request should include any and all rate analyses, financial analyses or other information concerning the current or future revenue and debt obligations of Santee Cooper. This request includes any relevant documents produced or written by any law firm retained or employed by Santee Cooper.
- 6) A listing of any and all law firms, consultants, or lobbyists employed or retained by Santee Cooper over the prior 24 months as well as a listing of the total amount paid to each law firm, consultant, or lobbyist by Santee Cooper. This should also include a description of the service provided and copies of any contracts executed for those services as well as an indication of who authorized the retention or employment of the law firm, consultant or lobbyist.

Please consider each of these requests as ongoing until such time that we indicate a desire for the request to end or be amended. We would ask that you deliver the documents in an electronic format to Mr. Steve Davidson, Chief Counsel of the House Labor Commerce and Industry Committee.

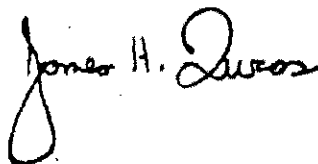
We do not expect any hesitation or negotiation on the part of Santee Cooper as state law is abundantly clear regarding this request.

In addition to the above requests, given the recent track record of those acting on behalf of the Santee Cooper Board communicating inaccurate information, we collectively request that the Board no longer meet in executive session so that there can be no doubt as to the Board's intent. It has come to our attention, watching the past several Santee Cooper Board meetings, that these meetings occur more in executive session than in public session.

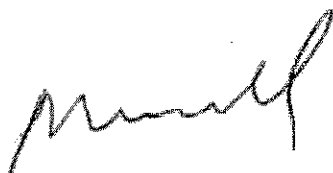
Santee Cooper is a state agency that exists for the benefit of the State of South Carolina. Transparency in your operations is of the utmost importance and several hour executive sessions by your governing body, followed by immediate adjournment, gives rise to the concern that the Board is making decisions in secret rather than in public. The public's right to know what is happening during Santee Cooper Board meetings is vastly superior to the Board's desire for secrecy.

We await your response to our requests.

Sincerely,



James H. Lucas
Speaker of the House



G. Murrell Smith, Jr.
Chairman of the Ways and Means Committee



William E. "Bill" Sandifer, III
Chairman of the Labor, Commerce and
Industry Committee



J. Gary Simrill
Majority Leader



J. Todd Rutherford
Minority Leader

cc: The Honorable Henry D. McMaster
The Honorable Harvey S. Peeler, Jr.
The Honorable Hugh K. Leatherman
The Honorable Thomas C. Alexander