

SOUTH CAROLINA OFFICE OF REGULATORY STAFF

**TO: HAROLD GARDNER, TRUSTEE
LYNCHES RIVER ELECTRIC COOPERATIVE, INC.**

FROM: SOUTH CAROLINA OFFICE OF REGULATORY STAFF

DATE: NOVEMBER 1, 2023

**RE: REQUEST FOR INSPECTION, AUDIT, EXAMINATION, AND OTHER
RELIEF REGARDING ALLEGED UNETHICAL CONDUCT AND
VIOLATIONS OF ACT 56**

**SOUTH CAROLINA OFFICE OF REGULATORY STAFF'S FIRST AND
CONTINUING REQUEST FOR PRODUCTION OF BOOKS, RECORDS
AND OTHER INFORMATION TO HAROLD GARDNER, TRUSTEE**

I. INSTRUCTIONS

The South Carolina Office of Regulatory Staff (“ORS”) hereby requests pursuant to S.C. Code Ann. §§ 58-4-50(A)(12), 58-4-55, and 33-49-150(A) that Harold Gardner, member of Board of Trustees of Lynch River Electric Cooperative Inc. (“Lynch River” or “Electric Cooperative”), provide responses to the following Requests for Production of Books, Records, and Other Information electronically and under oath and serve the undersigned by **November 15, 2023**, to ORS at the following email address: chuber@ors.sc.gov. If you are unable to respond to any of the Requests, or part or parts thereof, please specify the reason for your inability to respond and state what other knowledge or information you have concerning the unanswered portion.

As used in these Requests, “identify” means, when asked to identify a person, to provide the full name, business title, address, and telephone number. As used in these Requests, “address” means mailing address and business address. When asked to identify or provide a document, “identify” and “provide” mean to provide a full and detailed description of the document and the name and address of the person who has custody of the document. In lieu of providing a full and

detailed description of a document, a copy of the document may be attached with the identity of the person who has custody of it. When the word “document” is used herein, it means any written, printed, typed, graphic, photographic, or electronic matter of any kind or nature, stored on any medium, and includes, but is not limited to, statements, contracts, agreements, reports, opinions, graphs, books, records, letters, correspondence, notes, notebooks, minutes, diaries, memoranda, transcripts, photographs, pictures, photomicrographs, prints, negatives, motion pictures, sketches, drawings, publications, and tape recordings.

The words “you” and “your” refer to Harold Gardner, member of Board of Trustees of the Electric Cooperative, as well as your officers, agents, employees (past and present), representatives, successors, or any other person or persons acting for or purportedly acting on your behalf.

Wherever in these Requests a masculine pronoun or possessive adjective appears, it refers to both males and females in accordance with traditional English usage.

IT IS THEREFORE REQUIRED:

- I. Pursuant to S.C. Code Ann. § 58-4-55(A), all responses shall be submitted under oath.
- II. These Requests shall be deemed to be continuing so as to require Mr. Gardner to supplement or amend responses as any additional information becomes available.
- III. In addition to the signature and verification at the close of the responses, the witness(es), employee(s), contractor(s), or agent(s) responsible for the information contained in each response shall be indicated at the bottom of each response.
- IV. If a response to any of the Requests was previously submitted to ORS, please cite the document and page number in the response.
- V. If information requested herein is found in other places or other exhibits, reference shall *not* be made to those other places or other exhibits; instead, the information shall be reproduced, and an additional copy shall be produced in response to the Request in the appropriate numerical sequence.
- VI. If the response to any Request is that the information requested is not currently available, state when the information requested will be available and provided to ORS. This statement is not a waiver of the deadline for all other responses.

- VII. If you are unable to respond to any of the Requests, or part(s) thereof, please specify the reason for your inability to respond and state what other knowledge or information you have concerning the unanswered portion.
- VIII. If you refuse to disclose any document requested herein, in whole or in part, based on any claim of privilege or immunity, identify the specific privilege or protection claimed and state the basis for the claim, identifying the pertinent circumstances with sufficient specificity to ORS to assess the basis of any such claim. If you have a good-faith objection to any of these Requests, or any part thereof, the specific nature of the objection and whether it applies to the entire Request or to a certain portion thereof shall be clearly stated. If there is an objection to any part of a Request, then the part or parts objected to should be indicated and documents responsive to the remaining unobjectionable parts should be provided.
- IX. All responses to the Requests below shall be labeled using the same numbers as used herein.
- X. Each Request shall be reproduced and included in front of each set of responses.
- XI. All information requested below, unless otherwise specified, shall be provided in electronic form only unless otherwise requested.
- XII. All information available in Excel spreadsheets shall be provided in Excel. All Excel spreadsheets shall be working copies with all formulas, links, and calculations intact.
- XIII. Responses containing .pdf documents must be searchable. Each electronic file must be clearly marked with the Response number.
- XIV. Where a hardcopy response is requested, provide one paper copy/binder of all responses to ORS. The paper copy shall be bound in 3-ring binders with numbered tabs between each Request. The Request should be reproduced at the beginning of each tab for the responses included. All exhibits shall be reduced or expanded to 8 ½" x 11" formats, where practical. This entire list of Requests shall be reproduced and included in front of each set of responses.
- XV. For every page produced to ORS that contains confidential information, the page is to be marked "CONFIDENTIAL" in the header. In addition to marking the page CONFIDENTIAL in the header, all specific information which you designate as confidential must also be marked by notation, highlighting, or other conspicuous means.
- XVI. Any inquiries or communications relating to questions concerning clarification of the information requested below should be directed to Christopher M. Huber, Esquire [803.737.5252] of ORS.

II. REQUESTS

- 1-1 Have you directed cooperative personnel to perform tasks unrelated to their job responsibilities such as to clean pasture fence lines or to work on your farm equipment?
- 1-2 Have you used cooperative resources to have trees cut for neighbors and friends that were not necessary for maintenance of right of ways or not otherwise related to providing safe and reliable service?
- 1-3 Have you directed or requested a cooperative employee to deviate from the standard order of priority when restoring service after an outage to restore service more quickly to a family member, an individual with whom you are associated, a business with which you are associated, or a person with whom you are otherwise acquainted?
- 1-4 Have you accepted a good or service of more than twenty-five dollars in value from a company you know has or seeks a business relationship with the Electric Cooperative other than a cooperative membership with the Electric Cooperative? If you answer in the affirmative:
- a. Please describe the circumstances and the good or service accepted.
 - b. Did you disclose the acceptance of the good or service to the Board of Trustees for the Electric Cooperative?
 - c. Did the Electric Cooperative compensate the company for the good or service you received?
- 1-5 Have you directed Electric Cooperative employees to provide items, including but not limited to poles, wire, and LED lights, to members? If yes:
- a. Was the provision of these items related to providing safe and reliable electric service; and
 - b. Was it done in accordance with the Electric Cooperative's policies and procedures? If yes, please provide a copy of the applicable policies and procedures.
- 1-6 Have you distributed to members of the district you represent items for which the Electric Cooperative paid including but not limited to coolers and night lights? If yes:
- a. What was the purpose of distributing these items?
 - b. Was it related to your election or re-election as a Trustee?
 - c. Was it done in accordance with the Electric Cooperative's policies and procedures? If yes, please provide a copy of the applicable policies and procedures.
- 1-7 Did you engage in an effort to have some accounts transferred from the district you represent to another district and in doing so were you directly or indirectly seeking to influence the nomination or credentials process of an election in which you were an incumbent trustee seeking reelection?

[Signature Page to Follow]

s/Christopher M. Huber _____
Christopher M. Huber, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
Phone: (803) 737-5252
Email: chuber@ors.sc.gov

November 1, 2023