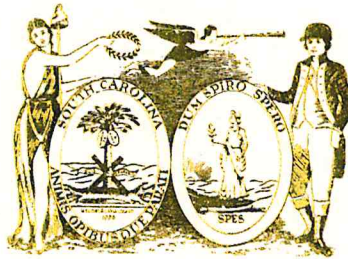


State of South Carolina  
Executive Department

FILED

JUN 09 2023

Mark Hammond  
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2023-18

**WHEREAS**, the State of South Carolina has significant interests in ensuring the safety, security, efficiency, affordability, reliability, resiliency, and sustainability of the State's energy resources, as well as enhancing and diversifying South Carolina's power production capacity, the sufficiency of which is critical to protecting the public welfare, maintaining and advancing economic development and job growth, and fueling the State's current and future prosperity; and

**WHEREAS**, South Carolina has recently experienced tremendous economic growth, with over 700 economic-development projects announcing more than \$32.5 billion in investment in the State since January 2017, collectively representing approximately 81,000 new jobs; and

**WHEREAS**, in 2022 alone, the State announced \$10.27 billion in total capital investment—accounting for 120 projects and the creation of 14,083 new jobs, breaking the record twice in the same year for the largest capital investment project—and this unprecedented economic activity not only represented the largest total capital investment in South Carolina's history but also a 118% increase since 2017; and

**WHEREAS**, as evidenced both by new projects locating in the State and by established businesses continuing to expand, as well as the growth rate for the State's manufacturing sector more than doubling the national average over the last five years, South Carolina is leading at a transformational time in commerce and cultivating an increasingly diverse and technologically advanced economy that will continue to create opportunities for future generations; and

**WHEREAS**, although South Carolina is uniquely positioned to attract additional investment and to foster further innovation and economic development, the State also must not take for granted the essential role of, and critical need for, sufficient power supplies and electric generation resources to secure the current and future prosperity of all South Carolinians; and

**WHEREAS**, to this end, additional proactive action and coordinated measures are necessary to ensure that the State will have an adequate supply of, and sufficient access to, safe, secure, efficient, affordable, reliable, diverse, and sustainable energy resources and that South Carolina's electric generation, distribution, and transmission capacity and capability is prepared to

accommodate enhanced economic activity, anticipated technological advances, and continued population growth, to include accounting for increases in demand from industrial and residential customers and electric-vehicle (“EV”) consumers; and

**WHEREAS**, in furtherance of the foregoing, the undersigned has concluded that the State of South Carolina must develop an updated comprehensive short- and long-term plan and coordinated strategy focused on enhancing the symbiotic relationship between energy production and economic development for the benefit of all South Carolinians, protecting and conserving the State’s natural and environmental resources, exploring the feasibility of incorporating or incentivizing innovation and technological advances related to energy production, addressing the existing limitations on the State’s ability to receive and capability to utilize natural gas, considering current or future opportunities to incorporate additional nuclear power production into South Carolina’s diverse generation resources, and identifying any modifications to existing laws, regulations, policies, or procedures that may be necessary to govern effectively, and facilitate the growth of, the State’s energy economy; and

**WHEREAS**, on October 12, 2022, the undersigned issued Executive Order No. 2022-31, which directed the Department of Commerce to coordinate implementation of a strategic initiative designed to prioritize and enhance ongoing economic-development and recruitment efforts related to the EV industry, instructed DEW to evaluate the State’s existing and anticipated EV-related workforce availability and capacity needs, and established the Interagency EV Working Group to assist with developing a comprehensive plan regarding the strategic deployment of EV-related resources and infrastructure in South Carolina; and

**WHEREAS**, the undersigned has determined that it is appropriate to utilize a similar approach with respect to the State’s energy production and economic-development landscape by collectively exploring solutions to the complex challenges associated with meeting the energy needs of a rapidly growing economy, identifying specific initiatives and policy goals or considerations, and formalizing a process of interagency evaluation, coordination, collaboration, and cooperation and proactive, strategic action to address the issues cited herein; and

**WHEREAS**, particularly in view of the anticipated increases in demand for electricity due to the proliferation of EVs and the likely impacts of the same on the State’s energy sector, the strategic initiative and collaborative effort established herein may overlap with the interagency EV Working Group, such that both efforts will likely benefit from further coordination; and

**WHEREAS**, South Carolina has significant interests in recognizing and facilitating innovative market-based strategies to support the energy ecosystem, encouraging further investment and economic development in this critical sector, and prioritizing the evaluation and enhancement of the State’s energy-related infrastructure, resources, and workforce to account for existing needs and prepare for anticipated demands, including accommodating additional economic growth and commercial activity and utilizing technological advancements; and

**WHEREAS**, the General Assembly has recently acknowledged that the State of South Carolina must account for and address many of the aforementioned considerations, *see, e.g.*, 2022 S.C. Acts No. 220, § 3(A) (recognizing that “competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract

prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State”); 2021 S.C. Acts No. 46, § 2 (establishing the Joint Committee on the Electrification of Transportation to study, *inter alia*, “the impacts of [EVs] on customers, utilities, and the grid,” S.C. Code Ann. § 58-27-260(B)(1)(d), and directing the Public Service Commission (“PSC”) to initiate a proceeding to identify regulatory challenges and opportunities related to EVs, *id.* § 58-27-265, and instructing the Office of Regulatory Staff (“ORS”) to conduct a stakeholder process regarding similar issues, *id.* § 58-27-270); 2019 S.C. Acts No. 62, § 8 (authorizing the PSC and ORS “to initiate an independent study to evaluate the integration of renewable energy and emerging energy technologies into the electric grid for the public interest,” S.C. Code Ann. § 58-37-60(A)); and

**WHEREAS**, additional interagency collaboration is necessary to evaluate and collectively address the aforementioned and other issues specific to the State’s energy-related workforce and economic-development activities, to assist with and expand upon ongoing Administration and agency initiatives, and to inform future legislative action by providing the General Assembly with additional context regarding these significant policy matters and the State’s interests associated with the same; and

**WHEREAS**, section 48-52-210(A) of the South Carolina Code of Laws, as amended, provides that “[i]t is the policy of this State to have a comprehensive state energy plan that maximizes to the extent practical environmental quality and energy conservation and efficiency and minimizes the cost of energy throughout the State” and, for purposes of implementing the same, adopts “the Plan for State Energy Policy”; and

**WHEREAS**, in furtherance of the foregoing policy, section 48-52-210(B) of the South Carolina Code of Laws, as amended, identifies twelve enumerated purposes of the Plan for State Energy Policy, including, *inter alia*, “ensur[ing] access to energy supplies at the lowest practical environmental and economic cost”; “ensur[ing] long-term access to adequate, reliable energy supplies”; “encourag[ing] the development and use of clean energy resources, including nuclear energy, energy conservation and efficiency, and indigenous, renewable energy resources”; “ensur[ing] that energy-related decisions promote the economic and environmental well-being of the State and maximize the ability of South Carolina to attract retirees, tourists, and industrial and service-related jobs”; “ensur[ing] that state government is organized appropriately to handle energy matters in the best public interest”; “ensur[ing] that governmental energy-related tax, expenditure, and regulatory policies are appropriate, and, wherever possible, maximize the long-range benefits of competition”; and “ensur[ing] that any future energy strategy that promotes carbon-free, nongreenhouse gas emitting sources includes nuclear energy, renewable resources, and energy conservation and efficiency”; and

**WHEREAS**, to facilitate implementation of the aforementioned policies and priorities, section 48-52-410 of the South Carolina Code of Laws, as amended, provides that the State Energy Office (“Energy Office”) established within ORS “shall serve as the principal energy planning entity for the State” and that “[i]ts primary purpose is to develop and implement a well-balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy”; and

**WHEREAS**, in accordance with section 48-52-420 of the South Carolina Code of Laws, as amended, the Energy Office shall cooperate with and support the Office of the Governor, the General Assembly, or other entities by, *inter alia*, promoting “continued and expanded energy research and development programs geared toward the energy needs of the State”; “examin[ing] and consider[ing] the desirability and feasibility of mechanisms for tax incentives, low-interest loans, and other financing means for cost-effective energy consideration and efficiency and use of renewable and indigenous energy resources, and advocat[ing] their implementation when deemed appropriate”; “promot[ing] the adoption and use of energy efficient building codes and certification procedures for builders, heating and cooling specialists, and building inspectors”; and “conduct[ing] long-range energy planning”; and

**WHEREAS**, pursuant to section 48-52-430 of the South Carolina Code of Laws, as amended, the Energy Office annually submits to the undersigned and others a “state energy action plan,” which summarizes the activities of the Energy Office “to carry out the Plan for State Energy Policy”; and

**WHEREAS**, although the Energy Office develops a “state energy action plan” on an annual basis, the latest version of South Carolina’s comprehensive State Energy Plan was prepared and published in 2016; and

**WHEREAS**, as part of the Infrastructure Investment and Jobs Act (“IIJA”), Public Law No. 117-58, 135 Stat. 429 (Nov. 15, 2021), the Energy Office was recently awarded \$6.8 million in additional formula funding through the United States Department of Energy’s State Energy Program, which will enable the Energy Office to enhance existing interagency collaboration and coordination designed to evaluate and address various energy-related matters, to include providing additional workforce development resources, and to conduct a comprehensive process to update South Carolina’s strategic State Energy Plan as contemplated by the South Carolina Energy Efficiency Act, codified as amended at S.C. Code Ann. §§ 48-52-10 *et seq.*; and

**WHEREAS**, it is necessary and appropriate for the Energy Office to utilize a portion of the funding provided to the State by the IIJA to facilitate interagency cooperation, collaboration, coordination, and engagement in connection with the further development of the aforementioned update to the State Energy Plan; and

**WHEREAS**, in addition to coordinating the State’s economic-development activities and initiatives, section 13-7-20 of the South Carolina Code of Laws, as amended, specifically designates the South Carolina Department of Commerce (“Department of Commerce”) “as the agency of the State which shall be responsible for the promotion and development of atomic energy resources in South Carolina” and assigns the Department of Commerce certain “powers and duties in the promotion and development of atomic energy industries, and resources,” including “[a]ssist[ing] the Governor, the General Assembly, and other agencies of state government in the development and promotion of atomic energy resources and industrial activities” and “[c]oordinat[ing] the atomic energy industrial development activities of the State”; and

**WHEREAS**, in recognition of the foregoing considerations and authorities, and in furtherance of the cited policies and priorities, the undersigned has determined that it is necessary and appropriate to initiate further proactive action to prioritize and formalize focused intergovernmental collaboration, cooperation, and coordination to develop comprehensive short- and long-term plans to ensure that South Carolina has sufficient energy capacity and readily available generation, distribution, and transmission resources to account for anticipated increases in consumer demand and facilitate future economic development, while also simultaneously advancing responsible environmental stewardship, enhancing resource diversity and productivity, promoting technological innovation and investment, and minimizing energy-related costs for consumers and ratepayers.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

**Section 1. Establishing “powerSC” Energy Resources and Economic Development Interagency Working Group**

A. In furtherance of the State of South Carolina’s significant interests in ensuring the safety, security, efficiency, affordability, reliability, resiliency, sustainability, and sufficiency of the State’s energy resources, as well as enhancing and diversifying South Carolina’s power production capacity, and to support and facilitate additional collaboration with ongoing efforts and existing initiatives, I hereby authorize and direct the Department of Commerce to convene, and to coordinate the activities of, the powerSC Energy Resources and Economic Development Interagency Working Group (“powerSC”), which shall undertake the following actions and initiatives:

1. Coordinate and direct implementation of a strategic statewide initiative and collaborative effort involving critical stakeholders across the State’s energy ecosystem—including state- and investor-owned utilities, electric cooperatives, public power providers, private industry, conservation organizations, nonprofits, academia, and federal, state, and local government entities—designed to advance the principles and considerations detailed herein, including assessing and expanding South Carolina’s energy-related resources, workforce and economic-development activities, and competitive standing of South Carolina’s energy ecosystem and energy-related sector relative to other States, so as to ensure that South Carolina’s power-generation capacity and available energy supplies will not limit further economic growth and development;
2. Assist ORS and the Energy Office as part of the comprehensive process to update South Carolina’s strategic State Energy Plan by providing input regarding the requisite scope of work and by offering agency-specific perspectives and policy recommendations regarding the manner in which to account for and balance various considerations pertaining to the State’s energy resources, including, *inter alia*, economic development, demand forecasts, and generation diversity, as well as broader interests involving energy affordability, conservation, efficiency, reliability, resiliency, safety, security, and sustainability;

3. Explore the feasibility of facilitating additional coordination between and among the State's utility providers to increase energy production capacity in a manner that would maximize economies of scale and minimize price variability and volatility;
4. Assess any existing or anticipated technologies or opportunities to incorporate additional natural gas pipeline or generation capacity and nuclear-power production into the State's current generation mix to increase the diversity of South Carolina's energy resources;
5. Identify loans, grants, and other funding streams available to the State, or political subdivisions or agencies, departments, or entities thereof, or to private parties pertaining to the construction, development, or deployment of new energy-generation facilities or other energy-related resources, technology, and infrastructure;
6. Evaluate the effectiveness of existing economic-development mechanisms and assess the potential application of the same to future energy-related investments in this State, while also considering whether additional economic-development mechanisms or incentives may further advance South Carolina's interests related to the energy ecosystem;
7. Analyze any state licensing or permitting processes governing the construction, operation, or expansion of energy-related infrastructure and facilities and identify any opportunities to reform or improve the same, including considering the feasibility of state agencies concurrently reviewing any relevant permit applications rather than initiating state-level review upon completion of any applicable review by federal agencies and evaluating whether any existing state-level application processes can be streamlined, accelerated, or otherwise modified to be more efficient, while still providing sufficient time for appropriate environmental review and analysis and maintaining responsible stewardship of the State's natural resources;
8. Study existing building codes and recommend any appropriate modifications or amendments that would enhance energy efficiency without unnecessarily increasing corresponding construction costs;
9. Confer with industry stakeholders, education providers, and other state agencies and departments to evaluate any existing or anticipated supply gaps in the State's energy-related workforce, consider the potential development and implementation of pilot programs or other initiatives to enhance and further develop the State's energy-related workforce, and assess the projected demand for any relevant education, training, credentials, or certifications;
10. Collaborate with federal, state, and local agencies, departments, or entities, as necessary and appropriate, in furtherance of the interests and objectives identified herein, including recommending and advocating for federal actions that would address any existing barriers to the creation or expansion of the State's energy resources;
11. Review any evaluations and recommendations produced by the Electricity Market Reform Measures Study Committee, Joint Committee on the Electrification of Transportation, or other similar legislative committees, and provide input to those bodies, as requested or otherwise appropriate, on matters of mutual interest; and

12. Report to the undersigned any recommended modifications or amendments to state laws, regulations, policies, or procedures that may be necessary or appropriate to facilitate or accelerate the adoption or implementation of the energy-related strategies and initiatives set forth herein.

B. In addition to the Department of Commerce, powerSC shall include representatives from the following agencies, departments, or entities:

1. ORS, including the Energy Office;
2. Environmental Affairs Administration, South Carolina Department of Health and Environmental Control, or the successor or equivalent component of the South Carolina Department of Environmental Services;
3. Division of Land, Water, and Conservation, South Carolina Department of Natural Resources, or the successor or equivalent component of the South Carolina Department of Environmental Services;
4. South Carolina Department of Transportation;
5. South Carolina Department of Employment and Workforce;
6. South Carolina Office of Resilience;
7. South Carolina Department of Labor, Licensing and Regulation; and
8. Office of the Governor.

In consultation with the Office of the Governor, the Department of Commerce may designate additional agencies or entities, or representatives thereof, to participate in powerSC, or components thereof, as necessary and appropriate.

C. The Department of Commerce and ORS, including the Energy Office, shall provide staff resources and administrative support to powerSC. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by powerSC to cooperate with, accommodate, and assist powerSC in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide powerSC with any and all data, information, documents, or materials requested by powerSC in connection with the same.

D. PowerSC, or representatives or components thereof, shall proactively engage with, and solicit input from, the public to ensure that any recommendations or proposals are made in consideration of, and for the benefit of, public needs and purposes. PowerSC should invite input from members of the public and relevant stakeholders or interested parties, including state- and investor-owned utilities, electric cooperatives, public power providers, private industry, conservation organizations, nonprofits, academia, and federal, state, and local government entities, and should consider and incorporate the same as appropriate.

## **Section 2. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any

party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.



GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 9th DAY OF  
JUNE, 2023.

  
HENRY MCMASTER  
Governor

ATTEST:



MARK HAMMOND  
Secretary of State