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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION

Appellate Case No. 2022-000463

Daufuskie Island Utility Company, Inc.,

Appellant,

v.

South Carolina Office of Regulatory Staff,
Haig Point Club and Community Association, Inc.,
Melrose Property Owner's Association, Inc.,
Bloody Point Property Owner's Association, and
Beach Field Properties, LLC,

Respondents.

**APPELLANT'S MOTION FOR
THIRD EXTENSION OF
DEADLINE FOR FILING INITIAL BRIEF**

Appellant Daufuskie Island Utility Company, Inc., respectfully requests an extension of the current deadline for filing and serving Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in this Case.

The current deadline is August 5, 2022. This deadline was twice extended by the Court to its current date. Appellant herein now respectfully requests the deadline be extended to Monday, August 22, 2022. This is Appellant's third (and final) request for an extension of the deadline. Although an additional extension is an exceptional request, the undersigned counsel asserts it is necessary to complete the Brief and it will result in a better presentation of the issues in this matter.

Counsel for the Appellant has been working diligently to prepare the filings due in this matter. That preparation has been rendered more difficult and more time consuming than usual, given the posture of this appeal. As this is the third appeal in the underlying Public Service Commission Rate Proceeding (PSC Docket 2014-346-WS), there are already two voluminous records on appeal from which to select and organize documents. There have been two full Commission evidentiary hearings with multiple live witnesses and there have been several motions hearings and oral argument hearings that bear upon the issues in this appeal.

In addition to the complexity of this appeal, the Appellant is currently engaged in a rate proceeding before the Commission (PSC Docket 2021-142). In that case, DIUC (the Appellant herein) has been preparing and responding to extensive discovery, including S.C. Office of Regulatory Staff Continuing Sets of Requests for Books, Records, and Other Information as well as Interrogatories and Requests for Production from the S.C. Department of Consumer Affairs. There are currently in excess of 160 individual discovery requests requiring data and/or narrative responses. DIUC personnel have been very involved in the preparation of DIUC's briefs and its arguments in the previous two appeals and would like to do the same for the current briefing. Unfortunately, it does not seem time is sufficient for DIUC personnel to complete responses to discovery and also to schedule time to participate fully in preparation of Appellant's Initial Brief if the deadline remains on August 5th. Further, the responses to pending discovery requests need to be completed this week to keep the rate case moving within the six-month period mandated by statute. See S.C. Code § 58-5-240(C) (requiring Commission ruling within six months after the date the schedule is filed). Undersigned counsel is also heavily involved in preparing and providing those responses.

Undersigned Appellant's counsel has also been faced with unusual personal

circumstances. From two weeks (from July 10th to July 24th) both of counsel's elderly parents were struggling with COVID; one parent was ultimately hospitalized for treatment. Thankfully, both are now on the mend; however, the weeks of illness required time away from planned work and other activities and catching back up has proven difficult. Appellant's counsel has also been unusually busy with other cases that for various reasons have inflexible deadlines set by statute or other requirements.

I acknowledge that this additional request is unusual, and I do further certify this Motion is made in good faith and not for the purpose of delay. I have also contacted counsel regarding consent to this Motion.

Attorney Jack Pringle, counsel for Respondents Haig Point Club and Community Association, Inc., Melrose Property Owner's Association, Inc., and Bloody Point Property Owner's Association) has consented to the Motion.

Undersigned counsel has emailed and telephoned Attorney Andrew Bateman, counsel for Respondent S.C. Office of regulatory Staff. As of this writing I have not yet been able to speak to Mr. Bateman.

WHEREFORE, the Appellant respectfully asks the Court to extend the deadline for filing and serving Appellant's Initial Brief and Designation of Matter from Friday, August 5, 2022, to Monday, August 22, 2022. This new deadline is just over two weeks from the current deadline.¹

[Signature page follows.]

¹ Should the Court prefer to extend the date 30 days, the new deadline would be September 6, 2022.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr. (SC Bar #14065)

Direct: (843) 727-2249

Email: Gressette@WGLFIRM.com

WALKER GRESSETTE & LINTON, LLC

Mail: P.O. Drawer 22167, Charleston, SC 29413

Office: 66 Hasell Street, Charleston, SC 29401

Phone: (843) 727-2200

**ATTORNEYS FOR THE APPELLANT
DAUFUSKIE ISLAND UTILITY COMPANY, INC.**

August 1, 2022
Charleston, South Carolina