

THE STATE OF SOUTH CAROLINA
In The Supreme Court

68217
69217

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge

RECEIVED

JUL 25 2013

Case No. 12-ALJ-30-0086-CC
Appellate Case No. 2013-000114

SC Court of Appeals

International Paper Company, Inc.,Appellant,

v.

South Carolina State Energy Office,Respondent.

MOTION TO CONSOLIDATE AND TO HOLD APPELLATE TIMELINES IN ABEYANCE

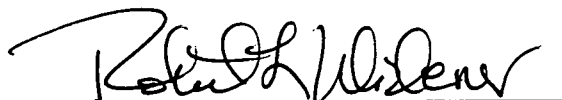
The above-captioned appeal from the Administrative Law Court (ALC) involves the same parties and same issues as a recently filed appeal from the Circuit Court (copy attached). Appellant moves to consolidate the two appeals pursuant to Rule 214, SCACR, which permits consolidation "where the same question is involved in two or more appeals in different cases." A motion to consolidate has also been filed in the Circuit Court appeal at the same time as the filing of the present motion.

Taken together, the two appeals present the overriding question of whether the Circuit Court or the ALC has subject matter jurisdiction to review the determinations of the South Carolina State Energy Office (SEO) on certification of a tax credit granted by S.C. Code Ann. § 12-6-3620. Consolidating these appeals will result in a single Record on Appeal and a single set of appellate briefs that: (1) more concisely present the issues than would separate appeals that are

consolidated after briefing; and (2) as a result, conserves the time and resources of this Court and the parties.

Accordingly, Appellant requests that the appellate timelines in this case be held in abeyance, that consolidation be granted, and that Appellant's initial brief and designation in the consolidated appeal be ordered due thirty (30) days after receiving the hearing transcripts in the Circuit Court Appeal.¹ If consolidation is not granted, Appellant respectfully requests fifteen (15) days from the date of receipt of the order denying consolidation to serve and file its initial brief and designation in the present appeal.²

Respectfully Submitted,



Robert L. Widener
Erik P. Doerring
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
803-799-9800

Attorneys for Appellant

July 25, 2013
Columbia, SC

¹ The relevant hearing transcripts (May 16, 2013 and July 15, 2013) were ordered on July 18, 2013. Appellant has received the July 15, 2013 hearing transcript.

² Appellant's initial brief and designation in the present appeal was due July 22, 2013. In anticipation of receiving the Circuit Court's order, Appellant moved to hold the appellate deadlines in abeyance pending receipt of the Circuit Court's order so that Appellant could appeal that order and move to consolidate the appeal from the Circuit Court with this appeal from the ALC. That abeyance motion is currently pending before this Court.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge
Case No. 12-ALJ-30-0086-CC
Appellate Case No. 2013-000114

RECEIVED

JUL 25 2013

SC Court of Appeals

International Paper Company, Inc.,Appellant,

v.

South Carolina State Energy Office,Respondent.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of McNair Law Firm, certify that I served the Appellant's Motion to Consolidate and to Hold Appellate Timelines in Abeyance by placing a true and correct copy in the U.S. Mail, sufficient postage pre-paid to counsel of record at the addresses shown below, on July 25, 2013:

Keith McCook, Esq.
Office of General Counsel
State Budget and Control Board
1201 Main Street, Suite 410
Columbia, South Carolina 29211

Frank S. Potts, Esq.
Office of General Counsel
State Budget and Control Board
1201 Main Street, Suite 410
Columbia, South Carolina 29211


Ann Shuler