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Jan 10 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III
Administrative Law Judge

Appellate Case No. 2023-001351

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL AND DOMINION ENERGY, RESPONDENTS.

**MOTION OF RESPONDENT DOMINION ENERGY
TO AMEND RETURN TO CORRECT TYPOGRAPHICAL ERROR**

Pursuant to Rule 240, SCACR, Respondent Dominion Energy (Dominion) files this Motion to Correct Typographical Error in its Return to Appellant's Emergency Petition for Writ of Supersedeas and Motion for Expedited Hearing.

Appellant BREDL filed the Emergency Petition on December 11, 2023, and Dominion filed timely Return to the Petition. In its Return, Dominion argued that supersedeas should not be granted, but if it were, the Court should impose a supersedeas bond of \$2.8 million. The request for a bond of \$2.8 million was supported by an Affidavit of Dominion employee Zachary West, who detailed the basis for the calculation of the cost of delay in construction of the pipeline project.

It has come to Dominion's attention that in the Conclusion to its Return, Dominion stated that it was requesting a supersedeas bond of \$2 million. This was a typographical error. The body of the Return, as well as the Affidavit of Zachary West, support the request for a supersedeas bond of \$2.8 million.

Dominion requests that it be allowed to correct the number in the Conclusion of its Return. A corrected Return is attached as an Exhibit to this motion. No other changes to the Return have been made.

Dated: January 10, 2024

Respectfully submitted,

DOMINION ENERGY, INC.

By: /s/ Elizabeth B. Partlow
Elizabeth B. Partlow (S.C Bar No. 4348)
LAW OFFICES OF ELIZABETH B. PARTLOW, LLC
1800 Platt Springs Road
West Columbia, SC
Telephone: (803) 814-0868
E-mail: beth@partlowlaw.com

Brooks M. Smith, admitted *pro hac vice*
Troutman Pepper Hamilton Sanders LLP
1001 Haxall Point, 15th Floor
Troutman Pepper Building
Richmond, VA 23219
Telephone: (804) 697-1414
E-mail: brooks.smith@troutman.com

Counsel for Respondent Dominion Energy, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on January 10, 2024, she served Respondent Dominion Energy's Motion to Amend Return to Correct Typographical Error and attached amended Return via electronic mail upon the following counsel:

For Appellant Blue Ridge Environmental Defense League:

Jesse Sanchez, Esq. (jesse@jessesanchezlaw.com)

Stephen A. Spitz, Esq. (stephenspitz994@gmail.com)

For Respondent South Carolina Department of Health and Environmental Control:

Bennett W. Smith, Esq. (smithbw@dhec.sc.gov)

Christopher P. Whitehead, Esq. (whitehcp@dhec.sc.gov)

Sara Volk Martinez, Esq. (martinsv@dhec.sc.gov)

/s/ Elizabeth B. Partlow

Elizabeth B. Partlow (S.C Bar No. 4348)
LAW OFFICES OF ELIZABETH B. PARTLOW, LLC
1800 Platt Springs Road
West Columbia, SC
Telephone: (803) 814-0868
E-mail: beth@partlowlaw.com

Counsel for Dominion Energy, Inc.



1800 Platt Springs Road
West Columbia, South Carolina 29169
803.814.0868
beth@partlowlaw.com

January 10, 2024

Via email to ctappfilings@sccourts.org

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: *Blue Ridge Environmental Defense League v. SCDHEC and Dominion Energy*
Appellate Case No. 2023-001351

Dear Ms. Kitchings:

Enclosed for filing on behalf of Dominion Energy are the following documents:

1. Dominion Energy's Motion to Amend Return to Correct Typographical Error;
2. Corrected Return of Dominion Energy to Appellant's Emergency Petition; and
3. Proof of Service by Electronic Means.

We are putting in today's mail a copy of this letter with our check in the amount of \$50.00 for the filing fee. If you have any questions, please contact me. With kind regards, I am

Sincerely,

s/ Elizabeth B. Partlow

Enclosures

cc: Jesse Sanchez, Esq. (via email)
Stephen A. Spitz, Esq. (via email)
Bennett Smith, Esq. (via email)
Christopher P. Whitehead, Esq. (via email)
Sara Volk Martinez, Esq. (via email)