

The Supreme Court of South Carolina

South Carolina Energy Users Committee, Appellant-Respondent,

v.

South Carolina Electric and Gas, Office of Regulatory Staff, Pamela Greenlaw, Respondents,

and Sierra Club, is Respondent-Appellant.

Appellate Case No. 2013-000529

ORDER

Respondent South Carolina Electric and Gas Company moves to amend the caption in this appeal. Since this is an appeal taken directly from the Public Service Commission to this Court, there are no defendants. Therefore, the caption proposed by Appellant-Respondent is rejected.

Instead, the caption that appears above shall be used. In doing so, this Court adheres to the view that every party that is named as a respondent and served with the notice of appeal will be listed as a respondent in the caption.¹ Further, the South Carolina Public Service Commission has not been listed as a respondent since it is inappropriate to have the administrative tribunal being a party in this appeal. *Cf. Utilities Services of South Carolina, Inc., v. South Carolina Office of Regulatory Staff*, 392 S.C. 96, 708 S.E.2d 755 (2011) (discussing role of the Public Service Commission following the 2004 statutory amendments creating the Office of Regulatory Staff):

¹ Although Appellant-Respondent used the singular term "respondent" in the caption used for its notice of appeal, it served the notice of appeal on all the other parties. Therefore, it appears the use of "respondent" in the notice of appeal was merely a scrivener's error.

Finally, the parties are reminded that there will be two separate sets of briefs in this matter. The first set of briefs will be initiated by the service and filing of the initial brief of Appellant-Respondent to which any other party may file an initial brief of respondent, and a second set initiated by the service and filing of the initial brief of the Respondent-Appellant to which any other party may serve and file an initial brief of respondent.


C.J.
FOR THE COURT

Columbia, South Carolina

September 6, 2013

cc: Scott A. Elliott, Esquire
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