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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE
COMMISSION OF SOUTH CAROLINA

APPELLATE CASE NO. 2025-000933
PSC DOCKET NO. 2024 203 E

Application of Kingstree East 230 LLC for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of a 249 MWac Solar Facility in Williamsburg County, South Carolina Pursuant to S.C. Code Ann. § 58-33-10 et. seq., and Request to Proceed with Initial Construction Work, S.C. Code Ann. § 58 33-110(7)

Of which,

Dr. Cheryl O. Lane, Appellant,

v.

Kingstree East 230 LLC, Respondent.

**APPELLANT’S REPLY TO RESPONDENT KINGSTREE EAST 230 LLC’S RETURN
IN OPPOSITION TO MOTION TO HOLD APPEAL IN ABEYANCE**

Cheryl O. Lane, Ph.D.
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(843) 372-5769

Pro Se Appellant

Introduction

Appellant Cheryl O. Lane respectfully submits this Reply to Respondent's Return in Opposition to her Motion for Abeyance. The Motion seeks only a temporary pause under Rule 240 SCACR to permit completion of an active Freedom of Information Act case (*Lane v. Williamsburg County*, 2025-CP-45-00074) involving disclosure of the Special Source Revenue Credit (SSRC) agreement directly tied to the 249 MW AC solar facility central to this appeal. Respondent's arguments misconstrue both the procedural purpose of Rule 240 and the relevance of the parallel circuit proceedings.

I. Rule 240 SCACR Authorizes Pausing an Appeal in the Interests of Judicial Economy



South Carolina precedent recognizes that holding an appeal in abeyance is within the Court's discretion to avoid duplicative or premature briefing while related issues remain unresolved [*Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm'n*, 298 S.C. 179 (1989)]. Rule 240 does not limit abeyance to cases where the appellant seeks to supplement the Record on Appeal; it expressly permits delay where a pending matter "may materially affect the outcome" of the appeal. The requested pause ensures that the record, arguments, and factual context presented to this Court rest on a complete and accurate evidentiary landscape once full FOIA production is achieved

II. The FOIA Timeline Shows Diligence and Material Connection

The opposition inaccurately characterizes Appellant's FOIA case as an indefinite tactic. In fact, the record of the ongoing FOIA case demonstrates consistent, timely pursuit: See timeline below copied from the online record in which the Appellant is the Plaintiff.

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Lane, Cheryl	ADR/Alternative Dispute Resolution (Workflow)	Action		09/17/2025-21:34		
Williamsburg County	NEF(07-16-2025 05:06:27 PM) Answer/Answer To Amended Com...	Filing		07/16/2025-17:45		
Williamsburg County	Answer/Answer To Amended Complaint	Filing		07/16/2025-17:06		
Williamsburg County	NEF(06-25-2025 12:58:23 PM) Order/Scheduling Order	Filing		06/25/2025-12:58		
Williamsburg County	Order/Scheduling Order	Order		06/25/2025-12:58		
Williamsburg County	NEF(06-20-2025 03:34:33 PM) Proposed Order/Scheduling Or...	Filing		06/20/2025-15:52		
Williamsburg County	Order/Order Cover Sheet \$25.00	Filing		06/20/2025-15:34		
Lane, Cheryl	NEF(06-03-2025 08:25:09 AM) Order/Consent Order	Filing		06/03/2025-08:25		
Lane, Cheryl	Order/Consent Order	Order		06/03/2025-08:25		
Lane, Cheryl	NEF(06-02-2025 12:32:17 PM) Proposed Order/Consent Order	Filing		06/02/2025-12:42		
Lane, Cheryl	Order/Order Cover Sheet \$25.00	Filing		06/02/2025-12:32		
Smith, Taylor Meriwether IV	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		05/23/2025-11:10		
Shuler, Mary Amanda Harrelson	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		05/23/2025-11:10		

Nicholson, Boyd Benjamin Jr.	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		05/23/2025-11:10		
Smith, Taylor Meriwether IV	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		04/28/2025-11:12		
Nicholson, Boyd Benjamin Jr.	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		04/28/2025-11:12		
Shuler, Mary Amanda Harrelson	5/29/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		04/28/2025-11:12		
Lane, Cheryl	NEF(04-15-2025 07:56:19 PM) Motion/Leave to Amend	Filing		04/16/2025-09:51		
Lane, Cheryl	Motion/Leave to Amend	Motion	Motion Roster for May 29, 2025 at 12:00 pm	04/15/2025-19:56		 
Williamsburg County	NEF(03-26-2025 12:24:01 PM) Order/Scheduling Order	Filing		03/26/2025-12:24		
Williamsburg County	Order/Scheduling Order	Order		03/26/2025-12:24		
Williamsburg County	NEF(03-25-2025 04:51:11 PM) Order/Order Cover Sheet \$25....	Filing		03/26/2025-08:10		
Williamsburg County	Order/Order Cover Sheet \$25.00	Filing		03/25/2025-16:51		
Williamsburg County	NEF(03-20-2025 05:54:15 PM) Answer/Answer	Filing		03/24/2025-08:37		

Williamsburg County	Answer/Answer	Filing		03/20/2025-17:54		
Williamsburg County	Notice/Notice of Appearance	Filing		03/20/2025-17:54		
Williamsburg County	Notice/Notice of Appearance	Filing		03/07/2025-11:52		
Williamsburg County	NEF(03-07-2025 11:52:20 AM) Notice/Notice of Appearance	Filing		03/07/2025-11:50		
Smith, Taylor Meriwether IV	3/27/2025_MOTION_Roster/ Notice of Motions Roster Publication	Action		03/04/2025-14:22		
Lane, Cheryl	Summons & Complaint	Filing		02/19/2025-21:34		 
Lane, Cheryl	Motion/Appeal	Motion	Motion Roster for March 27, 2025 at 9:30 AM	02/19/2025-21:34		

This timeline above directly from Case # 2025-45-00074 reflects measured diligence—not delay—and establishes the ongoing FOIA case’s relevance.

III. Respondent Misapplies Rule 210(c)

Respondent asserts that the FOIA materials could not lawfully be introduced because they were “not part of the PSC record.” Appellant does not attempt to expand that record; instead, she seeks abeyance until the parallel circuit court clarifies whether Williamsburg County’s withheld SSRC exhibits affect the substantive accuracy of the SC Public Service Commission’s proceedings referenced in this appeal. Rule 240 permits abeyance precisely to avoid conflicting determinations between coinciding judicial matters. Final resolution of the FOIA case will not

modify but inform future argument and citation within permissible confines of the existing record.

IV. Materiality of Special Source Revenue Credit (SSRC) agreement Testimony at SCPSC

As testified by Kristen Resar, lead developer of the Kingtree East 230, LLC project, “*Additionally, the County Council approved a Special Source Revenue Credit to encourage the project, which is standard to the renewable energy business and without which the project would not be feasible.*” Tr. 8, lines 9–11. The SSRC agreement defines the financing structure for the subject solar project whose siting approval forms the basis of this current appeal.

V. The Request Is Temporary and Procedurally Proper

Appellant’s Motion explicitly offers to provide 30-day status updates and immediate notification upon FOIA resolution. That limited interval aligns with the Court’s discretion under Rule 240 (f)–(h) SCACR to suspend deadlines for good cause. It is therefore inaccurate to call the request “indefinite.”

VI. Good Faith and the Interests of Justice Favor Granting Abeyance

Granting short abeyance promotes judicial efficiency, ensures a fully developed appellate briefing environment, and avoids parallel court inconsistencies concerning the same SSRC evidence. Denial would risk piecemeal briefing that this Court later must revisit once FOIA disclosure finalizes.

Conclusion

For these reasons, Appellant respectfully renews her Motion that this appeal be held in abeyance pending resolution of *Lane v. Williamsburg County*, 2025-CP-45-00074, and offers to file thirty-day updates until that case’s completion.

Respectfully submitted,

s/ Cheryl O. Lane

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Pro Se Appellant

October 20, 2025
Greeleyville, South Carolina

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Kingstree East 230 LLC, Respondent.

DESIGNATION OF MATTER

s/ Cheryl O. Lane
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Appellant

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Greeleyville, South Carolina