RECEIVED
Jan 08 2026
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 RETURN TO RESPONDENT'S MOTION TO STRIKE

The Appellant/Intervenor Cheryl O. Lane ("Appellant") hereby submits her Return to the Motion to Strike of the Respondent Kingstree East 230, LLC ("Respondent").

ANALYSIS

On December 19, 2025, the Respondent filed a six (6) page motion to "strike" which requests striking matters mentioned in both her Initial Matter and Designation of Matter and also to have the *pro se* Appellant go the extra burden to unnecessarily re-write her Initial Brief , plus to stay the briefing schedule. This motion should be denied for the following reasons.

In its motion, Respondent states that:

> "… the PSC noted that the Appellant, acting pro se¸did not present any witnesses, and only cross examined the Respondent's witnesses. **During the hearing, the PSC denied Appellant's attempt to introduce evidence** that had not been prefiled as required by the PSC's regulations (emphasis added)."

(Mot. at 2). In making this Motion, Respondent completely ignores the first ground of the appeal, which alleges that Respondent and the PSC denied Appellant "procedural opportunities of notice and a fair hearing; which are the identical rules in South Carolina." *See Morgan v. United States*, 304 U.S. 1, 58 S.Ct. 773, 82 L.Ed. 1129 (1938); *Palmetto Alliance, Inc. v. S.C. Public Service Commission*. 282 S.C. 430, 435, 319 S.E.2d 696, 698 (1984). This is because, at the onset of the case, respondent and the PSC worked together to ensure that a possible *pro se* Intervenor would lack reasonable time to name witnesses, pre-file testimony, or to pre-file exhibits. (See Appellant's Initial Brief pp. 12-16).

The Appellant should be given latitude to include matters in the designation when she was denied fairness in submitting her witnesses, testimony, or exhibits – and it should be noted that she only seeks to include six such matters.

Respondent therefore "doth protest too much." In the seminal case of *Lark v. Bi-Lo, Inc*., the Chief Justice of the South Carolina Supreme Court adopted: "the substantial evidence rule, prescribed in the statute" in administrative cases, "which means that we will not overturn a finding of fact by an administrative agency 'unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.'" *Lark v. Bi-Lo, Inc*., 276 S.C. 130, 136 276 S.E.2d 304, 307 (1981). Here, the testimony of Ms. Resar could *not* be related to the SSRC Agreement; in fact, knowing this, the Respondent did not even submit the document into evidence. (Appellant's Initial Brief p. 21). This supports the Appellant placing the SSRC in its Designation.

Moreover, as to the other five (5) matters included in Appellant's Designation (Motion § 1-2) were referenced in the Statement of the Case **because** Respondent was attempting to keep hidden what it had done from both the PSC **and** the Supreme Court. They are not offered in the Arguments sections. They proved context to the Supreme Court to realize why the PSC should not have granted a Certificate of Environmental Compatibility and Public Convenience and Necessity ("CECPCN") under the *South Carolina Utility Facility Siting and Environmental Protection Act* ("Act"), codified at S.C. Code § 58-33-10 *et seq*. To grant Respondent's motion would deprive the Court of the records Respondent does not wish to be reviewed.

As far as to whether these citations to the record were included in the actual Designation filed on December 11, 2025, (Motion p.p. 5-7), this could be easily remedied if Respondent does not consent by a standard Appellant's Motion to be filed before the Supreme Court. *See* Rule 212(b), SCACR. While Appellant did her best to provide the Supreme Court with a good designation of matter, as a *pro se* litigant, she requests the Supreme Court to view a corrective Designation favorably. The same holds true for §§ 3 and 4 of the instant motion.

Turning to Respondent's request for a request to hold deadlines in abeyance, Appellant reminds Respondent that it should not seek a stay on any time limit imposed by the Rules of Court. Rule 240, SCACR. The Court should deny this motion as it is not filed for a proper reason. If Respondent is not prepared to proceed with the defense of the appeal, it can seek not to file its Initial Brief within the deadlines established under Rule 240..

CONCLUSION

Respondent attempts to game the appeal by forcing Appellant to make burdensome, extra filings and to delay the ultimate disposition. The Motion to Strike , thus, should be denied.

Respectfully submitted,

s/ Cheryl O. Lane
Cheryl O. Lanee, Ph.D.
76 Mount Vernon Road
Greeleyville, S.C. 29056
(843) 372-5769

Pro Se Appellant

January 8, 2026
Greeleyville, South Carolina