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July 24, 2026

VIA ELECTRONIC FILING

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201
supctfilings@sccourts.org

RECEIVED

Jul 24 2026

S.C. SUPREME COURT

RE: In re: Application of Duke Energy Progress, LLC to Have the Terms of the Electric Rate Stabilization Adjustment Apply to the Company's Rates and Charges for Retail Electric Service
PSC Docket No. 2026-78-E

Dear Ms. Howard:

Enclosed for filing on behalf of Duke Energy Progress, LLC (DEP or the Company) is a notice of appeal from the July 15, 2026 order of the Public Service Commission of South Carolina (the Commission) rejecting DEP's right to invoke the Rate Stabilization Adjustment (RSA) mechanism statutes for 2026. A \$250 filing fee is also enclosed. The Company believes, at a minimum, this is an "order affecting a substantial right made in an action when such order [] in effect determines the action and prevents a judgment from which an appeal might be taken," S.C. Code Ann. § 14-3-330(2)(a), with respect to "public utility rates," Rule 203(d)(2)(A), SCACR.

In the alternative, if the Court does not find this is an immediately appealable order, enclosed for filing is a petition for the Court to issue a common-law writ of certiorari in its original jurisdiction to review and correct the multiple errors of law plaguing the Commission's decision under the extraordinary circumstances articulated in the petition.¹ Also enclosed for filing is a notice of petition, appendix with the pertinent filings below, and certificate of service.

DEP notes it filed the enclosed expedited petition for reconsideration of the July 15 order with the Commission yesterday. That petition follows an earlier request for reconsideration of a June 29, 2026 Commission directive. The crux of all these filings is that the Commission—in assessing DEP's RSA election—made multiple errors of law that will prevent DEP from being able to implement revised rates beginning in August as provided by statute, resulting in around \$6 million in harm to customers.

While the Commission has implemented RSA for gas utilities since 2005, DEP was the first utility to elect under the newly implemented electric RSA. The Commission, however, inexplicably interpreted two identical statutes differently to deny the Company its right to invoke

¹ No filing fee is required for this petition. See Rule 240(d), SCACR.



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the RSA mechanism. No party ever advanced the peculiar reading the Commission adopted *sua sponte* to apply to *all* utilities going forward, and DEP had no meaningful right to be heard. These significant errors, which cannot be corrected in the ordinary course, warrant immediate review.

Out of an abundance of caution and given the Company's prior request for reconsideration of the Commission directive, DEP is submitting its appellate filings to preserve its right to appeal the July 15 order. *Cf. Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 20, 602 S.E.2d 772, 778 (2004) ("An appeal may be barred due to untimely service of the notice of appeal when a party—instead of serving a notice of appeal—files a successive Rule 59(e) motion, where the trial judge's ruling on the first Rule 59(e) motion does not result in a substantial alteration of the original judgment.").

In the Company's view, the Court can and should decide this issue now. With the August deadline to implement rates under the RSA rapidly approaching, DEP is stuck between a rock and a hard place. DEP has employed this careful and comprehensive approach in the hopes of getting a resolution that will allow it to adjust rates as contemplated in the RSA statutes. That said, if the Court believes the Commission needs to first rule on the pending petition for reconsideration, DEP asks that the Court remand for the Commission to decide the petition on an expedited basis.

The Company appreciates the Court's time and attention to this matter. Of course, should the Court have any questions or concerns, please do not hesitate to contact me.

With highest regards, I remain

Respectfully yours,

/s/Vordman Carlisle Traywick, III

Vordman Carlisle Traywick, III

cc w/ encl: Hon. Jocelyn G. Boyd, Chief Clerk, Public Service Commission
John C. "Chad" Torri
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