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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

Docket No. 2026-78-E

Appellate Case No. 2026-001613

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

**RESPONDENT SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS'
MOTION TO DISMISS APPEAL**

The South Carolina Department of Consumer Affairs ("Department"), through undersigned counsel, hereby moves this Court to dismiss this appeal. The grounds for the motion are: (1) Pursuant to Rule 203(d)(2), SCACR, and S.C. Code Ann. § 14-3-330(2), Appellant, Duke Energy Progress, LLC ("DEP"), appeals the Public Service Commission of South Carolina ("Commission") Initial Order issued July 15, 2026, Order No. 2026-394, in Docket No. 2026-78-E.¹ The Initial Order was issued pursuant to S.C. Code Ann. § 58-27-2700 et. seq., commonly referred to as the Electric Rate Stabilization Act or "eRSA." The eRSA requires the Commission to issue both an "initial order" and a "final order;" S.C. Code Ann. §§ 58-27-2760 through -2800. (2) Pursuant to S.C. Code Ann. §58-27-2780, DEP and other parties to the Commission docket still have rights to request the Commission review the Initial Order and to seek an evidentiary

¹ Pursuant to article V, section 5 of the South Carolina Constitution, section 14-3-310 of the South Carolina Code, and Rule 245(b), SCACR, Appellant has also filed Appellant has also filed a Petition for Original Jurisdiction and Common-Law Writ of Certiorari regarding the Initial Order (Appellate Case No. 2026-001614). The Department has also moved to dismiss that petition.

hearing before the Commission, after which the Commission must issue the Final Order; (3) the eRSA provides an avenue for appeal to this Court after the Final Order. S.C. Code Ann. § 58-27-2790(C). The facts and legal arguments supporting the motion are set forth in more detail in the accompanying Memorandum in Support of Respondent's Motion to Dismiss Appeal.

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