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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. 2026-001614

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 PETITION FOR ORIGINAL JURISDICTION AND
A COMMON-LAW WRIT OF CERTIORARI**

The South Carolina Department of Consumer Affairs ("Department"), through undersigned counsel, hereby moves this Court to dismiss this petition. The grounds for the motion are: (1) Pursuant to article V, section 5 of the South Carolina Constitution, S.C. Code Ann. § 14-3-310, and Rule 245(b), SCACR, Appellant Duke Energy Progress, LLC ("DEP") filed a Petition for Original Jurisdiction and Common-Law Writ of Certiorari ("Petition"). DEP's Petition relates to 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 provides for 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

¹ Pursuant to Rule 203(d)(2), SCACR, and S.C. Code Ann. § 14-3-330(2), Appellant has also filed a Notice of Appeal regarding the Initial Order (Appellate Case No. 2026-001613). The Department has also moved to dismiss that appeal.

Commission review the Initial Order and to seek an evidentiary hearing before the Commission, after which the Commission must issue the Final Order; 3) The eRSA review process explicitly provides mechanisms to make DEP whole after that Commission review process and provides an avenue for appeal to this Court after the Final Order; 4) Granting the Petition is not in the public interest. 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 Petition for Original Jurisdiction.

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August 3, 2026