

RECEIVED

Aug 19 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Commission Docket No. 2025-173-E

Appellate Case No. 2026-001436

Thomas M. Ragon, Jr.,

Appellant,

v.

Public Service Commission
of South Carolina; Dominion
Energy South Carolina, Inc.,

Respondents.

DESC's Reply to Appellant's Return to DESC's Motion to Dismiss the Appeal

Pursuant to Rules 240(f) of the South Carolina Appellate Court Rules, Respondent Dominion Energy South Carolina, Inc. ("DESC") replies to Thomas M. Ragon, Jr.'s ("Appellant") return to DESC's motion to dismiss the notice of appeal. As set forth below and in the motion to dismiss, the appeal should be dismissed because the Notice of Appeal is untimely.

As an initial matter, the return filed by Appellant on August 14, 2026, is untimely. DESC filed and served the motion to dismiss the appeal on August 3, 2026. Pursuant to Rule 240(e), SCACR, "[a]ny party opposing a motion or petition shall have ten (10) days from the date of service thereof to file a return with the clerk and serve on all parties a copy

of the return” Thus, the Appellate Court Rules required Appellant to file and serve any return no later than August 13, 2026. Appellant did not file and serve the return until August 14, 2026, which is untimely. The motion to dismiss the appeal should, therefore, be granted because “[f]ailure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.” *Id.*

Appellant’s return claims the Notice of Appeal was timely filed because he was not served with the order on appeal (Order No. 2026-127) until March 8, 2026. *See* Return p. 5-7 at IV.A. Assuming *arguendo* that Appellant was served with Order No. 2026-127 by the Public Service Commission of South Carolina on that date, the result of this matter is the same— the Notice of Appeal is untimely and must be dismissed.

Simply put, the date of service of Order No. 2026-127, whether March 5, 2026, or March 8, 2026, is irrelevant to the timeliness of this appeal. The Chart below, which uses Appellant’s claimed date of service, illustrates the untimely nature of this appeal.

Action	Deadline
Commission issued Order No. 2026-127 (order on appeal)	March 8, 2026
Appellant’s first petition for reconsideration of Order No. 2026-127	March 17, 2026
Commission denies Appellant’s first petition for reconsideration	April 23, 2026
Deadline to appeal Order No. 2026-127	May 26, 2026
Did Appellant file Notice of Appeal by May 26, 2026?	No
Appellant’s second petition for reconsideration of Order No. 2026-127	May 5, 2026
Commission denies Appellant’s second petition for rehearing	May 14, 2026
Notice of Appeal filed	June 24, 2026
Was Notice of Appeal timely?	No. Appellant missed the May 26, 2026, deadline by almost one month.

Even using Appellant's claimed date of service of Commission Order No. 2026-127 on March 8, 2026, the Notice of Appeal is untimely. Using March 8, 2026, Rule 203, SCACR, set the deadline to file and serve a Notice of Appeal for that order on April 7, 2026, *see* Rule 203(b)(6) and (d)(2)(B), respectively, unless a timely petition for rehearing was filed with the Commission.

It is undisputed that Appellant filed a petition for reconsideration and/or rehearing of Order No. 2026-127 on March 17, 2026. *See* DESC's Motion to Dismiss at **Exhibit B** at p. 3 § III. Thus, Rule 203(b)(6), SCACR stayed Appellant's deadline to file and serve a Notice of Appeal until the 30 days after the Commission denied the petition for reconsideration and/or rehearing. The Commission denied Appellant's petition for reconsideration and/or rehearing by Order No. 2026-242 dated April 23, 2026. Thus, the deadline for Appellant to appeal Order No. 2026-127 and Order No. 2026-242 expired on May 25, 2026.¹

However, instead of filing and serving a Notice of Appeal for the Commission's denial of petition for reconsideration and/or rehearing of Order No. 2026-127, Appellant filed a second petition for rehearing of Order No. 2026-127 with the Commission.²

¹ The actual deadline fell on Saturday, May 23, 2026, and Monday, May 25, 2026, was Memorial Day, so the deadline shifted to Tuesday, May 26, 2026, in accordance with Rule 263(a), SCACR.

² As set forth in DESC's motion to dismiss the appeal, the Appellant's second petition for rehearing does not stay Appellant's deadline of May 26, 2026, to appeal Order No. 2026-127. First, the second petition was procedurally improper because neither S.C. Code Ann. § 58-27-2150 nor S.C. Code Regs. 103-854 authorizes a party to file a second petition for rehearing and/or reconsideration on Commission orders. Second, a second or successive rehearing request does not stay or toll the time to file and service a notice of appeal. *See, e.g.*; *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 18, 602 S.E.2d 772, 777 (2004); *Quality Trailer Prods. V. CSL Equip. Co.*, 349 S.C. 216, 219, 562 S.E.2d 615, 617 (2002); *Coward Hund Constr. Co. v. Ball Corp.*, 336 S.C. 1, 3-4, 518 S.E.2d 56, 57-58 (Ct. App. 1999).

Appellant's decision to file a second petition for reconsideration and/or rehearing did not stay the May 26th appeal deadline, regardless of whether he was served Order No. 2026-127 on March 5 or March 8, 2026. Thus, Appellant's Notice of Appeal filed and served on June 24, 2026, is untimely.³

Conclusion

Appellant's untimely Notice of Appeal must be dismissed in accordance with Rule 203(d)(3), SCACR ("If the notice of appeal is not timely filed . . . the appeal shall be dismissed[] and shall not be reinstated except as provided by Rule 260").

Respectfully submitted,

/s/ Michael J. Anzelmo

Michael J. Anzelmo

SC Bar No. 72933

McGuireWoods LLP

1301 Gervais Street, Suite 1310

Columbia, South Carolina 29201

Phone: (803) 251-2313

Email: manzelmo@mcguirewoods.com

K. Chad Burgess

Elizabeth L. Hutton

Dominion Energy South Carolina, Inc.

220 Operation Way – MC OSC 1A

Cayce, SC 29033

(803) 217-8141 (KCB)

(803) 217-7887 (ELH)

chad.burgess@dominionenergy.com

elizabeth.hutton@dominionenergy.com

*Counsel for Dominion Energy South
Carolina, Inc.*

August 19, 2026

³ The remaining arguments set forth in Appellant's return are manifestly without merit and should be rejected by the Court.