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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Commission Docket No. 2026-49-E

Appellate Case No. 2026-001597

Thomas M. Ragon, Jr., Appellant,

v.

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

DESC's Reply to Appellant's Untimely 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 Appellant Thomas M. Ragon, Jr.'s ("Appellant") untimely return to DESC's motion to dismiss the notice of appeal.[1] The return lacks merit, and the Notice of Appeal should be dismissed

Appellant's return requests that this Court ignore the fact that Appellant was not a party to the underlying proceeding before the Public Service Commission of South

[1] Appellant requested leave to file the return out of time. The return, however, is untimely under Rule 240(e), SCACR.

Carolina ("Commission") and allow this appeal from a non-party to proceed because he "cannot intervene in a proceeding that was never noticed to the public." *See* Return p. 5 at IV. This argument lacks merit.

In Section 58-27-870 of the South Carolian Code of Laws, our General Assembly specifically authorized the Commission to:

> [A]llow rates or tariffs to be put into effect without notice and hearing upon order of the commission when such rates or tariffs do not require a determination of the entire rate structure and overall rate of return, or when the rates or tariffs do not result in any rate increase to the electrical utility, or when the rates or tariffs are for experimental purposes, or when the rates or tariffs so filed are otherwise necessary to obtain an orderly rate administration.

S.C. Code Ann. § 58-27-870(F). The underlying order attached to the Notice of Appeal, which is Order No. 2026-247, was issued in accordance with Section 58-27-870(F). The Commission found that DESC's "requested relief in this proceeding is necessary for orderly rate administration and does not require a determination of the entire rate structure and overall rate of return." *See* DESC's Motion to Dismiss at **Exhibit B**. Thus, as directed by the General Assembly, the Commission was not required to issue a public notice to Ragon or the public at large.[2] Accordingly, Appellant's argument lacks merit.

[2] By statute, the South Carolina Office of Regulatory Staff was a party to the proceeding before the Commission in this case and in all cases involving DESC. S.C. Code Ann. § 58-4-10 ("the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission as it pertains to the matters below: (1) the concerns of the using and consuming public with respect to public utility services, regardless of the class of customer; and (2) preservation of the continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services"). ORS reviewed DESC's request in Docket No. 2026-49-E and found "Based on ORS's review, DESC's Request, as amended, is in accordance with the Order. ORS does not object to the Company's amended Request to increase the Pension Rider . . . ." *See* ORS letter dated April 15, 2026, attached hereto as Exhibit A.

Rule 201, SCACR, plainly and clearly sets forth "Who May Appeal" and limits that right to "[o]nly a **party** aggrieved by an order, judgment, sentence or decision may appeal." (emphasis added). Likewise only a "party . . . must serve and file a notice of appeal and otherwise comply with [the appellate court rules]." Rule 203(a), SCACR. The fact remains that Ragon was not a party to the docket before the Commission, and, as a result, Appellant cannot perfect this appeal. The appeal must be dismissed.

Moreover, even if Appellant's could initiate an appeal, which he cannot do as a non-party, Appellant still failed to timely perfect this appeal. Appellant filed a petition for reconsideration with the Commission in which Appellant challenged the application of Section 58-27-870(F). The Commission denied his petition for rehearing. The Commission then issued the final order—Order No. 2026-247—in the docket on April 30, 2026. Appellant then filed a petition for reconsideration on Order No. 2026-247 on May 5, 2026, which was denied by the Commission on June 4, 2026. *See* DESC's Motion to Dismiss at **Exhibit G** at p. 4 § IV. Appellant's deadline to appeal Order No. 2026-247 expired on July 6, 2026. *See* Rule 203(b)(6), SCACR; Rule 263(a), SCACR. Appellant did not file and serve his Notice of Appeal until July 16, 2026. Appellant's untimely Notice of Appeal must be dismissed in accordance with Rule 203(d)(3), SCACR.

Conclusion

Based on the foregoing, the Court should dismiss the Notice of Appeal.

{Signature Page Follows}

Respectfully submitted,

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