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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. 2025-323-E

Joint Application of South Carolina Public Service Authority (Santee Cooper) and Dominion Energy South Carolina, Inc. for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of an Advanced Class Combined Cycle Generating Plant and Associated Facilities in Colleton County, South Carolina, Pursuant to S.C. Code Ann. 20 §§ 58-33-10 et seq.,

Respondents.

v.

John M. Burbage and Lauren V. Moody Stanfill,

Appellants.

NOTICE OF APPEAL

Intervenors John M. Burbage and Lauren V. Moody Stanfill appeal Order No. 2026-350 (Ex. A), issued by the Public Service Commission of South Carolina on June 12, 2026, and Order No. 2026-464 (Ex. B), issued on August 13, 2026, denying their Motion for Reconsideration. Appellants received written notice of Order No. 2026-464 on August 13, 2026.

(Signature appears on following page)

September 1, 2026

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EXHIBIT A

Order No. 2026-350

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2025-323-E – ORDER NO. 2026-350

JUNE 12, 2026

IN RE:	Joint Application of South Carolina Public Service Authority (Santee Cooper) and Dominion Energy South Carolina, Inc. for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of an Advanced Class Combined Cycle Generating Plant and Associated Facilities in Colleton County, South Carolina, Pursuant to S.C. Code Ann. § 58-33-10 et seq.	)	ORDER GRANTING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY AND APPROVING DESC LEASE OF CERTAIN PROPERTY IN COLLETON COUNTY TO SANTEE COOPER

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) on the Joint Application (Application) of the South Carolina Public Service Authority (Santee Cooper) and Dominion Energy South Carolina, Inc. (DESC or the Company) (collectively, Joint Applicants) for (1) a Certificate of Environmental Compatibility and Public Convenience and Necessity (Certificate) to construct and operate a natural gas-fired advanced class combined cycle (NGCC) generating plant and associated facilities at DESC's brownfield site for its former Canadys coal-fired generation station in Colleton County, South Carolina (Canadys Joint Resource or Project) and (2) approval, pursuant to S.C. Code Ann. section 58-27-1300 (2015), for DESC to lease to Santee Cooper an undivided fifty percent interest in certain property located in Colleton County, South Carolina, which constitutes the site of the proposed Project (Site). The Joint Applicants filed the Application pursuant to the Utility Facility Siting and Environmental Protection Act (Siting Act) and the applicable rules and regulations of the Commission. *See* S.C. Code Ann. §§ 58-33-10 through -430 (Supp. 2025) and S.C. Code Ann. Regs. 103-304 (2012). For the reasons set forth below, the Commission approves the Application for a Certificate to construct and operate the Canadys Joint Resource. The Commission also approves DESC's request to lease a fifty percent interest in the underlying site for the Canadys Joint Resource.

II. PROCEDURAL HISTORY

A. Application

On December 1, 2025, prior to the Application's filing, Commission Staff conducted a virtual status conference with the Joint Applicants and the Office of Regulatory Staff (ORS)[1] to discuss a proposed procedural and discovery schedule. The Commission issued a procedural schedule and discovery deadlines on December 5, 2025.[2]

The Southern Alliance for Clean Energy and Coastal Conservation League (collectively SACE/CCL)[3] requested that the Commission adjust the procedural schedule adopted on December 5, 2025, to extend the deadlines for issuing discovery, extend the deadline for the filing of intervenor direct testimony, and delay the date of the hearing. On December 22, 2025, SACE/CCL filed a Motion Requesting Amendments to the Procedural Schedule and requested expedited consideration of the Motion, to which the Joint

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[1] ORS is a party of record in all filings or proceedings before the Commission. S.C. Code Ann. § 58-4-10(B) (Supp. 2025).
[2] *See* Order No. 2025-169-H, which accepted the December 1, 2025, status conference, with the November 24, 2025, letter on behalf of the Joint Applicants, setting forth a proposed procedural schedule, as satisfying the pre-application meeting requirement in S.C. Code Ann. section 58-37-120(B) (Supp. 2025).
[3] Letter from Kate Mixson, Esquire, to the Honorable Jocelyn G. Boyd, Chief Clerk, Public Service Commission of South Carolina (Dec. 12, 2025).

Applicants filed a Response in Opposition on January 2, 2026. SACE/CCL filed a Reply to the Joint Applicants' Opposition on January 7, 2026. By Order No. 2026-30, issued January 8, 2026, the Commission elected to maintain the procedural schedule. SACE/CCL filed a Petition Seeking Limited Reconsideration of Order No. 2026-30 on January 14, 2026, to which the Joint Applicants filed a Response in Opposition on January 23, 2026. By Order No. 2026-104, dated February 26, 2026, the Commission denied SACE/CCL's Petition Seeking Limited Reconsideration.

On December 15, 2025, the Joint Applicants filed the Application with the Commission. The Application included six exhibits:

- **Exhibit A.1** — A map showing the location of the brownfield site.
- **Exhibit A.2** — A map of the general arrangement of the proposed Canadys Joint Resource and associated facilities on the Site.
- **Exhibit B** — United Grid Solutions, LLC's December 2025 Generator Siting and Environmental Report for the Canadys Joint Resource and Associated Facilities (Environmental Report).[4]
- **Exhibit C** — Proof of service of a copy of the Application to the parties required to be served with it under S.C. Code Ann. section 58-33-120(2).[5]
- **Exhibit D** — The S.C. Code Ann. section 58-33-120(3) public notice the Joint Applicants provided to persons residing in the municipality entitled to receive notice by publication of a summary of the Application and the date on or about which it was to be filed.
- **Exhibit E** — Proof of publication of the public notice in various publications and publishers' affidavits from those newspapers.

Hearing Exhibit No. 5 (Application).

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[4] The Joint Applicants requested confidential treatment for Exhibit B of the Application, which was granted by Order No. 2025-176-H (Dec. 22, 2025).

[5] Per the proof of service, the Joint Applicants served the Application on ORS, South Carolina Department of Environmental Services (DES), South Carolina Department of Natural Resources (DNR), South Carolina Department of Parks, Recreation & Tourism (PRT), the South Carolina Department of Transportation (DOT), the South Carolina Department of Archives and History (SCDAH), the South Carolina Institute of Archaeology & Anthropology (SCIAA), and relevant Colleton County representatives (including the Chairman of the Colleton County Council and the Executive Director of Colleton County Economic Development) and City of Walterboro representatives (including the Mayor, the Chair of the Municipal Planning Commission for the City of Walterboro, and the City Manager for Walterboro).

B. Notice

On December 29, 2025, the Commission Clerk's Office (Clerk's Office) issued a Notice of Filing and Public Hearing (Notice) describing the nature of the Application; scheduled a public hearing to commence on March 12, 2026, with only attorneys present for procedural issues, to reconvene on April 14, 2026, for the hearing; imposing an intervention deadline of February 3, 2026; and advising interested parties how to intervene or otherwise participate in the proceeding. The Clerk's Office directed the Joint Applicants to publish the Notice in a newspaper of general circulation one time, on or before January 13, 2026. The Joint Applicants published the Notice in the *News & Press* and the *Sumter Item* on January 7, 2026; the *Aiken Standard*, *Florence Morning News* and *Times and Democrat* on January 10, 2026; *The Island Packet*, *The Beaufort Gazette*, *The Post and Courier*, *The State* and *The Sun News* on January 11, 2026; and the *North Augusta Star* on January 14, 2026. The Joint Applicants filed Affidavits of Publication on February 3, 2026, affirming the Notice was published on or before January 13, 2026.

The Commission issued Amended Notices of Filing and Public Hearing (Amended Notice) on January 21, 2026, and February 11, 2026, to include information about subsequently scheduled public night hearings and pre-registration to testify. The Amended Notice issued on January 21, 2026, added information about the public night hearing scheduled to begin at 6:00 p.m. on March 23, 2026, at Walterboro Wildlife Center in Colleton County, South Carolina. The second Amended Notice added information about the two additional public hearings to be held at 4:00 p.m. and 7:00 p.m. on April 7, 2026, in the Commission's Hearing Room in Columbia, South Carolina, allowing members of the public to participate in-person, virtually or telephonically.[6] The Joint Applicants were directed to provide the Amended Notices to affected customers via bill insert or electronic mail on or before March 6, 2026, for the first Amended Notice, and on or before March 27, 2026, for the second Amended Notice. The Joint Applicants were also directed to provide certification to the Commission that the notifications had been furnished. The Joint Applicants filed Affidavits on March 13, 2026, and April 1, 2026, advising that the Amended Notices had been furnished to all affected customers before the required dates.

C. Parties

Pursuant to S.C. Code Ann. section 58-33-140, parties to this proceeding include the Joint Applicants, ORS, DES, DNR, and PRT, and municipalities and other state agencies charged with protecting the environment or planning land use in Colleton County. The state agencies and the relevant Colleton County municipalities and agencies did not appear at the hearing or otherwise participate in the Docket.

On December 1, 2025, Claire E. Benge, Esquire, Thomas Filopoulos, Esquire, and Jasmine C. Gunning, Esquire, filed a Notice of Appearance on behalf of ORS. SACE/CCL filed a Petition to Intervene on December 11, 2025, which was granted. Multiple entities and individuals filed petitions to intervene in the Docket, all of which were granted: Frank Knapp, Jr. (Knapp), Sierra Club, Carolina Gas Transmission, LLC (CGT),[7] Nucor Steel

[6] The Commission received requests from the public for an additional public hearing to be held in Charleston, South Carolina. On February 4, 2026, the Joint Applicants filed a letter to the Commission opposing an additional Charleston hearing, and alternatively proposing an additional hearing in Columbia, South Carolina. Sierra Club filed a letter on February 5, 2026, in support of scheduling a public hearing in Charleston. By Order No. 2026-79, issued February 5, 2026, the Commission elected to schedule two public hearings in Columbia on April 7, 2026.

[7] The Joint Applicants initially opposed CGT's Petition to Intervene in the Docket. CGT's Petition to Intervene stated that CGT sought to intervene based on its interest in providing the firm natural gas transportation service to the Project, but that through an RFP process, the Joint Applicants had awarded such service to a CGT competitor, Kinder Morgan. The Joint Applicants argued that CGT lacked standing or good

Berkeley (Nucor), CMC Steel South Carolina (CMC), Santee Cooper Industrial Customer Group (Industrial Customer Group), John M. Burbage (Burbage), and Lauren V. Moody Stanfill (Stanfill) (collectively, Intervenors).

D. Pre-Filed Testimony and Motions

The Joint Applicants filed the Direct Testimony, concurrently with the Application, of W. Keller Kissam, DESC's President; Jimmy D. Staton, Santee Cooper's President and Chief Executive Officer; James W. Neely, P.E., DESC's Energy Market Strategic Advisor in the Resource Planning Department; Franklin Clay Settle, P.E., Santee Cooper's Director of System Planning[8]; and Richard Kirkpatrick, Santee Cooper's Director of Energy Supply. The Joint Applicants also filed the Direct Testimony and Exhibits of Andrew R. Walker, DESC's Senior Generation Development Manager;[9] William Stevick, Santee Cooper's Director of Construction Services Management;[10] M. Shaun Randall, P.E., DESC's Vice President of Gas Distribution and Customer Solutions;[11] R. Scott Parker, P.E., DESC's Manager of Transmission Planning;[12] Christopher M. Wagner, Santee Cooper's Director

cause to intervene in this Docket and that FERC has exclusive jurisdiction over any issues raised by CGT regarding natural gas transportation service to the Project. *See* Joint Applicants' Response in Opp. to CGT's Petition to Intervene. The Commission scheduled oral argument on CGT's Petition to Intervene for February 4, 2026. Prior to the oral argument, the Joint Applicants and CGT agreed to a stipulation for the Commission's review (Stipulation). Pursuant to the Stipulation, the Joint Applicants agreed to withdraw their opposition to CGT's Petition to Intervene, and CGT and the Joint Applicants agreed to limit their respective testimony, discovery requests, and cross-examination at the hearing to certain items as enumerated in the Stipulation. By Order No. 2026-128, the Commission adopted the Stipulation and granted CGT's Petition to Intervene subject to the terms of the Stipulation.

[8] Witness Settle had a title change from Manager of Resource Planning to Director of System Planning while this Docket was pending.

[9] Walker's Direct Exhibits 1 and 2 were entered into the record as Composite Hearing Exhibit No. 5.

[10] Stevick's Direct Exhibit 1 was entered into the record as Hearing Exhibit No. 6.

[11] Randall's Direct Exhibit 1 was entered into the record as Hearing Exhibit No. 9.

[12] Witness Parker's Direct Exhibit 1 was entered into the record as Hearing Exhibit No. 10.

of Transmission Planning;[13] and Nathan V. Bass, PLA, United Grid Solutions, LLC's Director of the Facilities Planning & Siting and Transmission Line Engineering divisions.[14]

On February 17, 2026, ORS and certain intervenors submitted pre-filed direct testimony and exhibits. ORS filed the Direct Testimony of Gerald D. Skipper, Jr., Senior Regulatory Analyst in the Energy Planning and Emerging Technology Division, and Michael L. Seaman-Huynh, Deputy Director of Energy Operations at ORS. CGT filed the Direct Testimony and Exhibit of T. Wayne Vermullen, CGT's General Manager. Testifying on his own behalf, John M. Burbage filed his Direct Testimony and Exhibit. Similarly, Lauren V. Moody Stanfill, who testified on her own behalf, filed her Direct Testimony and Exhibit. The Sierra Club submitted the Direct Testimony and Exhibits of Lucy Metz, a Senior Associate at Synapse Energy Economics, Inc.[15]

On February 18, 2026, SACE/CCL[16] submitted the Direct Testimony and Exhibit(s) of Chelsea Hotaling, Senior Consultant at Energy Futures Group;[17] Richard G.

[13] Witness Wagner's Direct Exhibit 1 was entered into the record as Hearing Exhibit No. 11.

[14] Witness Bass' Direct Exhibits 1 and 2 were entered into the record as Composite Hearing Exhibit No. 7; The Joint Applicants requested confidential treatment of exhibits to the pre-filed direct testimonies of Witnesses Randall, Parker, and Walker, which was granted by Order No. 2025-176-H (Dec. 22, 2025).

[15] Witness Metz's Direct Exhibits 1-15 were entered into the record as Composite Hearing Exhibit No. 12. The Sierra Club requested confidential treatment of Witness Metz's Direct Testimony and Exhibits, which was granted by Order No. 2026-58-H (Mar. 4, 2026).

[16] On February 12, 2026, SACE/CCL requested a three-day extension to the February 17, 2026, pre-filed direct testimony deadline for intervenors. The Joint Applicants filed a Response in Opposition to SACE/CCL's Request for an Extension on February 13, 2026. A one-day extension, moving the deadline to February 18, 2026, was granted by Order No. 2026-34-H (Feb. 16, 2026).

[17] Witness Hotaling's Direct Exhibits 1-3 were entered into the record as Composite Hearing Exhibit No. 14.

Smead, Managing Director of Advisory Services for RBN Energy, LLC;[18] and Sasikumar Kannan, Lead Power Systems Engineer for Daymark Energy Advisors.[19]

On March 3, 2026, the Joint Applicants filed the Rebuttal Testimony of Witnesses Neely, Settle, Walker, Stevick, Randall,[20] Parker, and Wagner. On March 17, 2026, Sierra Club filed the Surrebuttal Testimony and Exhibits of Lucy Metz.[21] That same day, John M. Burbage and Lauren V. Moody Stanfill submitted, on their own behalf, their respective Surrebuttal Testimony and Exhibits. SACE/CCL submitted the Surrebuttal Testimony of Chelsea Hotaling, Richard G. Smead, and Sasikumar Kannan, respectively.

On April 8, 2026, SACE/CCL submitted corrected Direct Testimony of Witness Hotaling. DESC filed corrected Rebuttal Testimony of Witness Parker on April 9, 2026. On April 10, 2026, Santee Cooper filed Supplemental Testimony of Witness Wagner.

Nucor Steel, the Industrial Customer Group, CMC Steel, Frank Knapp, Jr., DES, DNR, and DPRT did not pre-file any witness testimony or exhibits.

Motion to Strike Certain Pre-Filed Direct Testimony of CGT Witness Vermullen

On March 3, 2026, the Joint Applicants filed a Motion in Limine to Strike and Exclude portions of CGT Witness Vermullen's Direct Testimony (Vermullen Motion), contending that the challenged testimony and exhibit violated the Stipulation, related to

[18] Witness Smead's Direct Exhibits 1-2 were entered into the record as Composite Hearing Exhibit No. 20; SACE/CCL requested confidential treatment of Smead's Direct Testimony and Direct Exhibit 2, which was granted by Order No. 2026-76-H (Mar. 6, 2026).
[19] Witness Kannan's Direct Exhibit 1 was entered into the record as Hearing Exhibit No. 15; SACE/CCL requested confidential treatment of the Direct Testimony of Witness Kannan, which was granted by Order No. 2026-76-H (Mar. 6, 2026).
[20] The Joint Applicants requested confidential treatment for Witness Randall's Rebuttal Testimony, which was granted by Order No. 2026-76-H (Mar. 17, 2026).
[21] Witness Metz's Surrebuttal Exhibits 16 and 17 were entered into the record as Composite Hearing Exhibit No. 13. Sierra Club requested confidential treatment for Witness Metz's Surrebuttal Testimony, which was granted by Order No. 2026-82-H (Apr. 1, 2026).

matters that were within the Federal Energy Regulatory Commission's (FERC) exclusive jurisdiction, or exceeded the scope of issues before the Commission under the Siting Act. On March 13, 2026, CGT filed a Response to the Vermullen Motion.

Motion to Strike Certain Pre-Filed Direct Testimony and Exhibits of Burbage and Stanfill

On March 3, 2026, the Joint Applicants filed a Motion in Limine to Strike Testimony of John M. Burbage and Lauren V. Moody Stanfill, to Exclude Unsponsored Use of the Harvard Dominici Report, and in the Alternative, for Leave to File Supplemental Rebuttal Expert Testimony (Burbage/Stanfill Motion). John M. Burbage and Lauren V. Moody Stanfill filed a Response, with Exhibits A-G, to the Burbage/Stanfill Motion on March 13, 2026. The Joint Applicants filed a Reply in support of the Burbage/Stanfill Motion on March 19, 2026, followed by a Supplemental Motion to Strike, and Alternatively, Motion in Limine to Exclude the Harvard Study as an Exhibit to Burbage and Stanfill's Surrebuttal Testimony and Alternative Renewed Request for Leave to File Supplemental Expert Testimony (Supplemental Burbage/Stanfill Motion). John M. Burbage and Lauren V. Moody Stanfill filed a Response to the Supplemental Burbage/Stanfill Motion on April 1, 2026. The Commission ordered oral arguments for both the Vermullen Motion and Burbage/Stanfill Motion be held April 1, 2026.[22] Following oral argument, SACE/CCL filed a Response Opposing the Joint Applicants' Motion for Leave to File Supplemental Expert Testimony (SACE/CCL Response) on April 2, 2026. On April 8, 2026, the Joint Applicants filed a Supplemental Memorandum in Support of the Burbage/Stanfill Motion.

[22] *See* Order No. 2026-170 (Mar. 26, 2026).

Oral Argument and Determination

The Commission held oral arguments on both the Vermullen and Burbage/Stanfill Motions on April 1, 2026, and issued a Directive on April 9, 2026. The Commission's Directive granted the Joint Applicants' Burbage/Stanfill Motion to strike certain testimony of John M. Burbage and Lauren V. Moody Stanfill; specifically, Burbage Direct Testimony at page 3, lines 4-15 and Exhibit A, and Stanfill Direct Testimony at page 3, lines 12-17 and Exhibit A shall all be struck.[23] The Commission also granted the Joint Applicants' Vermullen Motion to strike certain testimony of T. Wayne Vermullen. Specifically, the following were excluded: 1) his Direct Testimony on page 8, lines 10-22; 2) page 9, lines 1-14 of his Direct Testimony; 3) page 9, line 15 through page 10, line 22 of his Direct Testimony; and, 4) Exhibit TWV-1 to Witness Vermullen's Direct Testimony. The Commission ruled the testimony was relevant only to FERC-jurisdictional issues which are not within the Commission's authority to hear and address. The Directive also ordered DESC to strike the responsive Rebuttal Testimony of Witness Randall, beginning on page 14, line 5 and continuing through page 23, line 2, which was responsive to the testimony in question offered by Witness Vermullen.[24]

E. Customer Public Hearings

On March 23, 2026, the Commission held a customer public hearing in Walterboro, South Carolina, to hear testimony from the public. The Honorable Delton W. Powers, Jr., Chairman of the Commission, presided. Members of the public, including customers of the

[23] In granting the Joint Applicants' Burbage/Stanfill Motion, Exhibit A to both witnesses' pre-filed Surrebuttal Testimony was excluded from the record.

[24] *See also* Order No. 2026-245 (May 6, 2026) (setting forth the Commission's findings of fact and conclusions of law regarding the Joint Applicants' Burbage/Stanfill and Vermullen Motions).

Joint Applicants, attended the hearing and provided testimony about the proposed Canadys Joint Resource, including environmental concerns.[25] The Commission held two additional customer public hearings on April 7, 2026, in Columbia, South Carolina. Chairman Powers presided over both public hearings where the Commission heard in-person and virtual testimony from members of the public.[26]

F. Hearing

In accordance with the Notice, the Commission commenced the hearing in this matter on March 12, 2026, to receive appearances from counsel and to address preliminary procedural matters. The Commission reconvened, pursuant to the Notice, on April 14, 2026, to receive testimony and evidence concerning the Application, with Chairman Powers presiding. The Joint Applicants were represented by K. Chad Burgess, Esquire, Elizabeth L. Hutton, Esquire, and Belton T. Zeigler, Esquire (counsel for DESC), Stephen R. Pelcher, Esquire, Edwin L. Kamauoha, Jr., Esquire, J. Ashley Cooper, Esquire, Catherine F. Wrenn, Esquire, and J. Boone Aiken, IV, Esquire (counsel for Santee Cooper). ORS was represented by Claire E. Benge, Esquire, Thomas Filopoulos, Esquire, and Jasmine C. Gunning, Esquire. SACE/CCL was represented by Kate L. Mixson, Esquire, and Thomas Gooding, Esquire. Sierra Club was represented by Sari Amiel, Esquire,[27] and Robert Guild, Esquire. CGT was represented by John P. Boyd, Esquire, and Steve A. Matthews, Esquire. Santee Cooper Industrial Group was represented by Scott Elliott, Esquire. Nucor Steel was

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[25] The sign-in sheet from the customer public hearing was entered into the record as Hearing Exhibit No. 1.
[26] The sign-in sheet from the second public hearing held April 7, 2026, at 4:00 p.m. was entered into the record as Hearing Exhibit No. 2. The sign in sheet from the third public hearing held the same day at 7:00 p.m. was entered into the record as Hearing Exhibit No. 4.
[27] By Order No. 2026-47, dated January 15, 2026, the Commission granted the application for *pro hac vice* admission of Sari Amiel, Esquire.

represented by Michael K. Lavanga, Esquire,[28] and Robert R. Smith, II, Esquire. Mr. Burbage and Ms. Moody Stanfill were represented by William J. Cook, Esquire, Jessica L. Fickling, Esquire, Matthew V. Creech, Esquire, and Brandon Stone, Esquire. Frank Knapp, Jr., appeared on his own behalf. CMC Steel did not appear for the hearing. The Commission live streamed and broadcast the hearing to the public and interested parties.

The Commission accepted into evidence the pre-filed Direct, Rebuttal, and Surrebuttal Testimonies of all witnesses. While Ms. Moody Stanfill did not appear at the hearing, the Commission allowed her to submit her pre-filed Direct Testimony consistent with the April 9, 2026, Directive and Order No. 2026-245. Mr. Knapp, Nucor, CMC Steel, and the Industrial Customer Group did not present any witnesses or exhibits at the Evidentiary Hearing. Additionally, DES, DNR, and DPRT did not participate in the hearing.

III. STATUTORY STANDARDS & REQUIRED FINDINGS

The Siting Act provides that "[n]o person shall commence to construct a major utility facility without having first obtained a certificate issued with respect to such facility by the commission." S.C. Code Ann. § 58-33-110(1) (Supp. 2025). For electric generating plants and associated facilities, a major utility facility is one "designed for, or capable of, operation at a capacity of more than seventy-five megawatts." S.C. Code Ann. § 58-33-20(2)(a) (Supp. 2025).

The Siting Act, specifically S.C. Code Ann. section 58-33-120(1), requires an application for a Certificate to include the following:

[28] By Order No. 2026-111, dated February 26, 2026, the Commission granted the application for *pro hac vice* admission of Michael K. Lavanga, Esquire.

> (a) a description of the location and of the major utility facility to be built;
>
> (b) a summary of any studies which have been made by or for applicant of the environmental impact of the facility;
>
> (c) a statement explaining the need for the facility; and
>
> (d) any other information as the applicant may consider relevant or as the commission may by regulation or order require. A copy of the study referred to in item (b) shall be filed with the commission, if ordered, and shall be available for public information.

S.C. Code Ann. § 58-33-120(1) (Supp. 2025).

The Siting Act requires an applicant to submit proof of service to the Commission. Specifically, applicants must provide, pursuant to the provisions of the Siting Act:

> proof of service of a copy of the application on the [ORS], the chief executive officer of each municipality, and the head of each state and local government agency, charged with the duty of protecting the environment or of planning land use, in the area in the county in which any portion of the facility is to be located. The copy of the application shall be accompanied by a notice specifying the date on or about which the application is to be filed.

S.C. Code Ann. § 58-33-120(2) (Supp. 2025).

The Siting Act also requires the applicant to submit proof of public notice with the application. An applicant must provide:

> proof that public notice was given to persons residing in the municipalities entitled to receive notice . . . , by the publication of a summary of the application, and the date on or about which it is to be filed, in newspapers of general circulation as will serve substantially to inform such persons of the application.

S.C. Code Ann. § 58-33-120(3) (Supp. 2025).

S.C. Code Ann. section 58-33-110(8)(a) also directs that in seeking a certificate the applicant must:

> provide credible information demonstrating that the facility to be built has been compared to other generation options in terms of cost, reliability, schedule constraints, fuel cost and availability, transmission constraints and costs, ancillary services capabilities, current and reasonably expected future environmental costs and restrictions, that the facility supports system efficiency and reliability in light of those considerations, and any other regulatory implications deemed legally or reasonably necessary for consideration by the commission.

S.C. Code Ann. § 58-33-110(8)(a) (Supp. 2025).

The Siting Act further enumerates six statutorily mandated findings the Commission must make before issuing any Certificate for the construction, operation, and maintenance of a major utility facility. The Commission must grant a certificate, either as proposed or modified by the Commission, if it finds and determines that an applicant has demonstrated:

> (a) The basis of need for the facility.
>
> (b) The nature of the probable environmental impact.
>
> (c) That the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.
>
> (d) That the facilities will serve the interests of system economy and reliability, and in the case of generating facilities, will do so considering reasonable available alternatives and their associated costs, risks, and operating attributes.
>
> (e) That there is reasonable assurance that the proposed facility will conform to applicable state and local laws and regulations issued thereunder, including any

> allowable variance provisions therein, except that the commission may refuse to apply any local law or local regulation if it finds that, as applied to the proposed facility, such law or regulation is unreasonably restrictive in view of the existing technology, or of factors of cost or economics or of the needs of consumers whether located inside or outside of the directly affected government subdivisions.
>
> (f) That public convenience and necessity require construction of the facility.

S.C. Code Ann. § 58-33-160(1)(a)-(f) (Supp. 2025).

The Siting Act outlines requirements that are specific to Santee Cooper. In particular, S.C. Code Ann. section 58-33-180(A)(1) and (2) require Santee Cooper to demonstrate and prove:

> 1) the construction of a major utility facility constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives; and
> 2) energy efficiency measures; demand-side management; renewable energy resource generation; available long-term power supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system and that the construction and operation of the facility is in the public interest.

S.C. Code Ann. § 58-33-180(A)(1)-(2) (Supp. 2025).

In addition, S.C. Code Ann. section 58-33-180(D) (Supp. 2025) requires Santee Cooper to "file an estimate of construction costs in such detail as the commission may require."

Under the recently enacted Energy Security Act of 2025 (Act 41), if the Commission approves a hydrogen-capable natural gas generation facility, ORS must monitor the project on an on-going basis. S.C. Code Ann. § 58-33-195(E)(1) (Supp. 2025). This on-going review must include a review of the construction in progress. *Id.* ORS is required to provide monthly updates, in writing, to the Commission and to members of the General Assembly. *Id.*

Additionally, under the new provisions of Act 41, for any construction project with a budget of at least $500 million, ORS must retain an independent construction analyst who "shall monitor the construction project on a regular basis" and who must report to several parties, including ORS and the Commission, on the status of construction efforts at least quarterly. S.C. Code Ann. § 58-33-200 (Supp. 2025).

Pursuant to Act 41, the Project is considered to be both an energy infrastructure and brownfield electric generation project. S.C. Code Ann. § 58-37-100(3), (6) (Supp. 2025). The General Assembly authorized Santee Cooper to jointly own "one or more natural gas-fired generation facilities, and related transmission facilities, to be constructed on a site at or near Dominion Energy South Carolina, Inc.'s former Canadys coal-fired generation station in Colleton County[.]" S.C. Code Ann. § 58-31-205(A). Through Act 41, the General Assembly encouraged DESC and Santee Cooper to complete their evaluation of the Project, which was ongoing at the time the General Assembly debated and enacted Act 41. S.C. Code Ann. § 58-33-195(A) (Supp. 2025).

IV. FINDINGS OF FACT

After considering the testimony and exhibits of the witnesses, the filings in the Docket, as well as the statutory standards and required findings, the Commission makes the following findings of fact:

1. Santee Cooper is South Carolina's state-owned electric and water utility, which produces, transmits, and distributes electric energy to South Carolinians, and serves residential, industrial, municipal, and commercial customers.

2. DESC is a corporation duly organized and existing under the laws of the State of South Carolina, with its principal offices at 220 Operation Way, Cayce, South Carolina, 29033. DESC is engaged in, among other things, the business of generating, transmitting, delivering, and providing safe and reliable electricity to public and private energy users for compensation.

3. Joint Applicants seek a Certificate to construct and operate the Canadys Joint Resource, a 2,180 megawatts (MW) NGCC generating plant and a new jointly owned 230 kilovolt (kV) switchyard (Edisto River Switchyard) at the brownfield site of the former Canadys Steam Plant in Colleton County. DESC will construct and own a new 230 kV transmission line and associated 230/115 kV autobank transformer to connect the Edisto River Switchyard to a new 115 kV substation (Colleton County Substation), which will also be owned by DESC. The Joint Applicants will each own a 50% undivided interest in the Project and its electrical output.

4. The Project is a major utility facility as defined by S.C. Code Ann. section 58-33-20(2)(a). The Commission is authorized to issue a certificate for the construction of a major utility facility as set forth in S.C. Code Ann. section 58-33-110.

5. The Joint Applicants have demonstrated the need for the Project, as required by S.C. Code Ann. section 58-33-160(1)(a) and that the Project was compared to other generation options in terms of the considerations enumerated in S.C. Code Ann. section 58-33-110(8)(a).

6. The Joint Applicants have demonstrated that the Project will serve the interests of system economy and reliability, as required by S.C. Code Ann. section 58-33-160(1)(d), and will do so considering reasonable available alternatives and their associated costs, risks, and operating attributes.

7. Public convenience and necessity require the construction of the Project, as contemplated by S.C. Code Ann. section 58-33-160(1)(f).

8. The Project is not anticipated to have any significant adverse impacts to land use, soil, wetlands/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, or aviation. The probable environmental impact associated with the construction and operation of the Project as proposed by the Joint Applicants is minimal in accordance with S.C. Code Ann. section 58-33-160(1)(b).

9. The environmental impact of the Project is justified, considering the state of available technology and the nature and economics of various alternatives and other pertinent considerations, in accordance with S.C. Code Ann. section 58-33-160(1)(c).

10. The Joint Applicants have provided reasonable assurance that the Project will conform to applicable state and local laws and regulations, in accordance with S.C. Code Ann. section 58-33-160(1)(e).

11. Santee Cooper has filed an estimate of construction costs for the Project in sufficient detail, as required by S.C. Code Ann. section 58-33-180(D).

12. Santee Cooper has demonstrated the Project constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service in accordance with S.C. Code Ann. section 58-33-180(A)(1).

13. Santee Cooper has demonstrated energy efficiency measures, demand-side management, renewable energy resource generation, available long-term power supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system for Santee Cooper, and construction and operation of the Project is in the public interest, all in accordance with S.C. Code Ann. section 58-33-180(A)(2).

14. For purposes of construction and operation of the Project, DESC has set forth adequate rationale to lease to Santee Cooper an undivided fifty percent interest in a portion of the Site containing jointly owned facilities and equipment.

15. Based on its review of the discovery and pre-filed testimony in this Docket, ORS does not object to the Commission granting the Certificate.

V. EVIDENCE AND DISCUSSION IN SUPPORT OF FINDINGS OF FACT

A. Evidence and Discussion in Support of Finding of Fact Nos. 1-4.

Santee Cooper is South Carolina's state-owned electric and water utility, which produces, transmits, and distributes electric energy to serve over two million South Carolinians, and serves residential, industrial, municipal, and commercial customers.

Hearing Exhibit No. 5 at 4, para. 1. Santee Cooper serves more than 216,000 retail customers and twenty-seven large industrial retail facilities. *Id.* Santee Cooper also serves several wholesale customers, including Central Electric Power Cooperative, Inc. (Central) via an agreement entitled "Power System Coordination and Integration Agreement Between the Authority and Central Electric Power Cooperative, Inc." dated December 20, 1980, as amended (Coordination Agreement), as well as three municipal electric systems located in South Carolina.[29] *Id.*

DESC is a corporation organized and existing under the laws of the State of South Carolina. Hearing Exhibit No. 5 at 4, para. 1. The Company is engaged in the "business of generating, transmitting, delivering and providing safe and reliable electricity to public and private energy users for compensation." *Id.* DESC's integrated electric utility system serves approximately 820,000 retail electric customers within twenty-four counties in central, southern, and southwestern South Carolina. *Id.* The Company's electric service territory includes Charleston, Mt. Pleasant, Columbia, Lexington, Beaufort, Bluffton, Aiken, and other smaller cities and towns, as well as rural areas in South Carolina. Hearing Exhibit No. 5 at 4-5, para. 1.

The Joint Applicants requested a Certificate to jointly own, construct, and operate the Canadys Joint Resource, an approximately 2,180 MW NGCC generating plant at the brownfield site of the former Canadys Steam Plant in Colleton County. Hearing Exhibit No. 5 at 1–3; *Id.* at 5, para. 2; Tr. 386.11:19-22. DESC previously operated the Canadys Steam Plant, a three-unit coal and natural gas-fired electric generating facility that was

[29] The three municipal electric systems served by Santee Cooper are the Town of Bamberg and the Cities of Georgetown and Seneca.

retired in 2013. Hearing Exhibit No. 5 at 5, para. 2. The Project will provide reliable 24/7 dispatchable capacity, including during high-load and extreme-weather events, and it will serve as a flexible quick-ramp resource necessary to allow the Joint Applicants to reliably integrate intermittent resources, such as solar, into their systems. Tr. 361:19-23; 368:6-11; 386.12:7-11.

The Project is configured to consist of three independent, multi-shaft, one-on-one (1x1) combined cycle generating blocks. Hearing Exhibit No. 5 at 5, para. 2; Tr. 569.6:145-17; 684.5:10-12. Each 1x1 NGCC generating block will consist of one approximately 450 MW combustion turbine-generator (CTG) paired with a corresponding heat recovery steam generator (HRSG) and steam turbine-generator (STG) of approximately 280 MW, for a total plant capacity of approximately 2,180 MW. Hearing Exhibit No. 5 at 5, para. 2. Each STG will be powered by a separate HRSG, which generates steam from heat recovered from the exhaust of its associated CTG. Hearing Exhibit No. 5 at 5, para. 2; *see also* Tr. 684.6:9-22. After using that steam to generate electricity, each STG will exhaust its residual steam into an air-cooled condenser (ACC), where the steam will be cooled by air, condensed into water, and recirculated for reuse in a closed-loop HRSG and STG steam cycle. Hearing Exhibit No. 5 at 5; Tr. 669.13:13–669.14:5. Each of the three 1x1 generating blocks will be configured to be able to operate independently of the other two. Tr. 684.7:19-22.

Other associated facilities to be constructed with the generating plant include generator step-up transformers, station service transformers, switchgear, emergency diesel generators, ACCs, demineralized water treatment and storage, a natural gas-fired auxiliary boiler, fuel oil unloading and storage, fire protection equipment, control room and administration building, and warehouses. Hearing Exhibit No. 5 at 6. The associated on-site transmission facilities include the new jointly owned 230 kV Edisto River Switchyard to which the Project's generating units and station service transformers will interconnect, replacing the existing DESC 230/115 kV on site substation; re-termination of the current DESC-owned 230 kV transmission lines at the Site into the Edisto River Switchyard; and a new DESC-owned 230 kV transmission line and associated 230/115 kV autobank transformer that will connect the Edisto River Switchyard to the new DESC-owned 115 kV Colleton County Substation at the Site. *Id.* at 6-7. The Joint Applicants anticipate constructing other 230 kV transmission facilities associated with the Project to connect the facility to their respective transmission systems and will make the required filings under the Siting Act for those facilities in a future docket(s). *Id.* at 7.

In addition to being a brownfield site, the Project site is advantageous for several reasons, including its existing infrastructure that can be re-used or adapted for the Project, its industrial use zoning and permitting, and its historical support of large-scale power generation. Tr. 386.6:18-386.7:11. Santee Cooper Witness Staton and DESC Witness Kissam emphasized that the Site is centrally located near areas of rapid load growth for both Joint Applicants, which will allow both Santee Cooper and DESC to serve load centers efficiently, support voltage, and improve regional reliability. Tr. 368:25-369:4; 386.7:4-6; 384.11:1-384.12:18. Additionally, Witness Kissam testified that the Site is advantageous because it is located at the "electrical crossroads" of the electric grid in the Lowcountry of South Carolina, where north, south, east, and west-running transmission lines intersect, and the Site is also in the vicinity of where the Joint Applicants share a number of interconnection points on their transmission systems. Tr. 363:24-364:8; 384.11:1-3. Santee

Cooper Witness Staton testified that the Site's prior ownership and use by DESC is beneficial because it is already zoned and permitted for industrial use, has a history of supporting large-scale power generation and has substantial existing infrastructure that can be re-used or adapted for the Project. Tr. 386.6:20-386.7:4.

For its primary fuel, the Project will use pipeline-quality natural gas delivered to the Site under long-term firm transportation agreements with interstate natural gas pipelines. Tr. 669.14:11-13. DESC has entered into two precedent agreements—the South System Expansion Project and the Mississippi Crossing Pipeline Project—to provide upstream long-haul interstate natural gas transportation connecting the Site back to major natural gas trading hubs. Tr. 793:11-23. The third precedent agreement will provide for construction of a pipeline expansion project running from the Elba Express pipeline near the Georgia-South Carolina border to the Site, which is known as the "Bridge Project." Tr. 794:1-6. All three interstate pipeline projects are being developed by wholly or partially owned subsidiaries of the Kinder Morgan Company. Tr. 793:24-25; 794:6-7. To support reliability in the unlikely event that firm natural gas transportation service is interrupted, the Project will have sufficient on-site fuel oil storage for approximately seventy-two hours of operation. Tr. 669.14:20–21.

Pursuant to the Natural Gas Act of 1938 as amended, specifically 15 U.S.C. § 717, construction and siting activities related to the three interstate pipeline projects are under the exclusive regulatory jurisdiction of FERC. Tr. 794:19–23. These pipeline projects have committed to schedules that fully support the construction schedule for the Project; however, these schedules remain subject to federal jurisdiction and are outside the direct control of DESC, Santee Cooper, and South Carolina policymakers. Tr. 795:4–12.

The Joint Applicants anticipate the entire project to be completed by the middle of 2033, although they recognize that this schedule is subject to uncertainties as is the case with any construction project of this magnitude. Tr. 368:4-6. The schedule for constructing the off-site transmission system improvements to support the Project supports testing and operation of the units, but even if completion is delayed, operation of the units will be possible through special operating protocols. Tr. 846.28:8-846.29:6.

Santee Cooper Witness Slaton testified that the Project "will be jointly owned by Santee Cooper and DESC in equal shares, and Santee Cooper will own and be able to dispatch approximately 1,090 MW of the facility's capacity." Tr. 386.11:22-386.12:2.

Commission Conclusion

These findings are informational and jurisdictional in nature. It is uncontested that, based on the evidence in the record, the Canadys Joint Resource would require a Certificate issued by the Commission pursuant to the Siting Act, as it constitutes electric generating plant and associated facilities designed for, or capable of, operation at a capacity that exceeds seventy-five MW. Accordingly, the Project is subject to the requirements of the Siting Act. Accordingly, the Commission has the authority to determine whether a Certificate should be issued with respect to the Canadys Joint Resource, pursuant to S.C. Code Ann. section 58-33-110.

B. Evidence and Discussion in Support of Finding of Fact Nos. 5-6.

In the Application, the Joint Applicants asserted a need for additional energy capacity from new generating resources, including the Project, to meet South Carolina's rapidly growing energy needs. Hearing Exhibit No. 5 at 7, para. 3. The Joint Applicants also asserted that the Canadys Joint Resource will serve the interests of system economy and reliability and will do so considering reasonable available alternatives and their associated costs, risks, and operating attributes. Hearing Exhibit No. 5 at 10.

DESC Witness Kissam testified that the Company is experiencing growth in "all of its major geographic areas that it serves," including increases in residential, commercial, and industrial growth, and this growth places increasing electrical demands on the Company. Tr. 384.6:3-4; 384.6:6-17; 384.7:7-9. Similarly, Santee Cooper Witness Staton testified that Santee Cooper's service territories have had rapid and record population growth, which is driving a need for additional energy capacity from new generating resources. Tr. 386.13:3-6. This increasing electrical demand is underscored by the fact that both utilities recently reached new historic peaks. Tr. 384.7:7-12 (Witness Kissam testifying about DESC's recent historic peak in July 2025); 572:10-11 (Santee Cooper Witness Settle testifying about Santee Cooper's recent eight new system peaks).

The need for the Canadys Joint Resource also stems from the need to replace the Joint Applicants' coal-coal fired generating stations in the near future. Hearing Exhibit No. 5 at 8; *Id*. at 9 According to DESC Witness Parker, approximately 80% of the company's generating capacity in the Charleston area comes from one coal-fired generating unit Williams Station (Williams), built in the 1970s. Tr. 842:21-24. DESC Witness Walker testified that the growing customer demand, with the anticipated retirement of Williams, presents a challenge for the Company to ensure sufficient generating resources to serve its customers and meet both the existing and future energy needs. Tr. 669.6:18-669.71. For DESC to be able to eventually replace Williams, it will require new generation resources located in the Charleston and Summerville area. Tr. 384.24:19-384.25:2; 842:10-18. Santee Cooper's resource portfolio also currently significantly relies on coal (with coal units representing 3,600 MW of capacity). Tr. at 517:11-12. As Witness Staton testified, Santee Cooper is not in a position to commit to retiring any coal plant until it has new generation resources to replace the capacity of those plants. *Id.* However, per the Joint Applicants, the Project can help facilitate their potential future retirement of coal generation. Tr. 384.25:15-18.

The Joint Applicants' need for a large source of new natural gas fired generation has been recognized and evaluated in multiple IRP and IRP update proceedings before this Commission. DESC Witness Neely testified that since the 2020 Integrated Resource Plan (IRP), the Company's IRPs and IRP Updates have consistently identified the need for new natural gas-fired generating resources. Tr. 562.6:7-8. According to Witnesses Walker and Neely, since that time, the Company's triennial IRPs and annual IRP updates have consistently confirmed the need for a major new, natural gas-fired generation resource to support its customers' long-term generation needs. Tr. 669.6: 7-17; Tr. 562.6:7-17. The Canadys Joint Resource was first modeled in the 2024 IRP Update as either a 662 MW or 1,325 MW NGCC configuration. Tr. 562.6:18-19. In the 2025 IRP Update, the configuration of the Canadys Joint Resource changed to a three 1x1 CC configuration with an increased total plant capacity of approximately 1,996 MW. Tr. 562.7:20-562.8:1-5. Similarly, according to Witness Settle, Santee Cooper's 2023 IRP first identified the need for a large NGCC shared with DESC, and its 2024 and 2025 IRP Updates subsequently continued to confirm that need. Tr. 577.21:7-9.

Witness Neely testified that DESC's modeling showed that a resource or resources equivalent to DESC's portion of the Project will be required in 2032. Tr. 562.18:1-3. According to Witness Neely, DESC modeled six different sets of future conditions regarding future load growth, fuel costs, and environmental regulations and constraints. Tr. 562.12:8-17. DESC Witness Neely demonstrated that, with one exception, the Canadys Joint Resource was the lowest cost option under all scenarios modeled. Tr. 561:2-5. The one exception was the High Renewable Market Scenario that intentionally favored renewables (thereby excluding the Canadys Joint Resource from selection), and the cost of the build plan under that scenario was significantly higher than each of the alternatives in which the Canadys Joint Resource was available. Tr. 561:52-10.

Santee Cooper's load forecasting also supports the need for the Canadys Joint Resource. Witness Settle testified that Santee Cooper has experienced large load growth in recent years, that its load forecasts consistently predict continuing, increased load growth, and that such growth has been confirmed through Santee Cooper's 2023 IRP, its 2024 and 2025 IRP Updates, and its updated load forecast in support of the Application. Tr. 572:2-573:1; 577.14-577.15:10. According to Witness Settle, the load forecasts further show that Santee Cooper's existing generation fleet and approved additions to it will be insufficient to meet near future, growing needs for electricity. Tr. 572:15-19. For example, when Santee Cooper compared its 2025 system load forecast to its existing capacity supply, it identified a need for 1,007 MW of new capacity by the winter of 2033, a need that increases to 2,619 MW of capacity by 2035. Tr. 572:19-24; Tr. 577.15:14-18. Witness Settle explained that, to meet that need, Santee Cooper must construct new generation resources, like the Canadys Joint Resource. Tr. 572:24-573:1. Moreover, Witness Settle testified that even under a lower load forecast that does not assume potential large load economic development load the decision to move forward with the project is still supported. Tr. 575.11-23.

ORS agreed that there is a need by both Joint Applicants for the Canadys Joint Resource. ORS Witness Skipper testified that, based on analyses performed by the Joint Applicants, the ORS determined that, regarding both Santee Cooper and DESC, the Project "is necessary to meet projected demand as well as to support the eventual retirement of coal-fired units." Tr. 1085.17:1-3.

Witness Skipper testified the Canadys Joint Resource was identified in Santee Cooper's IRPs beginning with its 2023 Comprehensive IRP. Tr. 1085.8:2-4. Santee Cooper's winter demand originally projected to be 6,000 MW by 2040 in the 2023 Comprehensive IRP is now projected to reach 6,000 MW by the late 2020s, and growing to approximately 7,500 MW by 2040. Tr. 1085.8:7-10. Santee Cooper's current generation portfolio and authorized resource additions are projected to be insufficient to satisfy forecasted load requirements. Tr. 1085.8:10-11. A comparison of the 2025 System Load Forecast against existing capacity reveals a projected deficit of 1,007 MW by 2033. Tr. 1085.8:12-13. According to Santee Cooper, this capacity shortfall is expected to expand to 2,619 MW following the retirement of Winyah. Tr. 1085.8:13-15.

Regarding Santee Cooper's need for the Project, Sierra Club Witness Metz testified that Santee Cooper's load projection included prospective large-load customers without signed contracts for electric service, therefore in her opinion, overstating the size of Santee Cooper's certain capacity need over the next decade. Tr. 949.22:4-6. Sierra Club Witness Metz testified that Santee Cooper should only procure resources to serve large-load customers with signed contracts for electric service. Tr. 949.9:13-14. Sierra Club Witness Metz testified this will help Santee Cooper avoid overbuilding and enable it to use new resources such as the Canadys Joint Resource as replacement capacity for retiring coal plants. Tr. 949.9:14-16. As to DESC's need for the project, Sierra Club Witness Metz testified DESC does not have the resource need to justify as large as a project as the Canadys Joint Resource unless DESC commits to retire Wateree and Williams when the Project comes online. Tr. 949.16:8-10. Continued operation of Winyah, Wateree, and Williams will expose ratepayers to a risk of cost increases according to Sierra Club Witness Metz. Tr. 949.39:7-9. Accordingly, Sierra Club Witness Metz recommended the Commission make approval of the Canadys CC contingent on a firm commitment from Santee Cooper to retire Winyah and DESC to retire the Wateree and Williams coal plants as soon as the Canadys Joint Resource comes online. Tr. 949.9:17-20.

In Rebuttal Testimony, Santee Cooper Witness Settle stated Sierra Club Witness Metz's recommendation to only procure resources for customers with signed contracts in place would deter economic development in South Carolina. Tr. 583.10:17-19. In addition, waiting to develop generation resources until after the need arises ignores the significant amount of time it takes to plan for, develop, obtain a Certificate for, and construct a new generating resource. Tr. 583.10:21-583.11:1.

As it relates to Sierra Club Witness Metz's recommendations regarding Wateree and Williams, Witness Neely's Rebuttal Testimony stated retirement of these units depends on DESC having sufficient generating resources to serve actual and forecasted load at the time the decision to retire them is made. Tr. 569.9:13-16. Therefore, Witness Neely stated the Company will continue to evaluate the appropriate date for retiring these units as conditions on its electric system evolve including the evaluation of new loads on the system and the impact of potential future environmental regulations and policy. Tr. 569.9:16-19. Similarly in response to Sierra Club Witness Metz's recommendation to retire Winyah, Santee Cooper Witness Stevick testified a more conservative approach that provides less customer risk, particularly given the potential for future changes in the rate of load growth, would be to proceed with the construction of the Canadys Joint Resource, continually evaluate load growth and market conditions, and examine the potential to retire Winyah. Tr. 688.6:12-16. Santee Cooper Witness Stevick stated Santee Cooper intends to retire older and less efficient generating resources as soon as resource availability and forecasted load growth allow. Tr. 688.6:16-18.

In response to Joint Applicants' Rebuttal Testimony, Sierra Club Witness Metz stated the way to obtain sufficient replacement capacity for aging costly coal plants is for DESC and Santee Cooper to commit to retirement dates and then rigorously plan for the replacement of Wateree, Williams, and Winyah. Tr. 953.7:19-953.8:2. Sierra Club Witness Metz reiterated her recommendation that Santee Cooper commit to retiring Winyah, and DESC commit to retiring Wateree and Williams, as soon as the Canadys Joint Resource comes online. Tr. 953.14:9-11.

DESC Witness Neely testified Dominion used Energy Exemplar's PLEXOS modeling software to compare the Canadys Joint Resource against a full range of alternative generating technologies. Tr. 562.10:13–562.11: 2. According to Witness Neely, PLEXOS can optimally match different sets of candidate resources to meet system needs while considering the forecasts of customer loads, fuel costs, emission costs, and other factors over the planning horizon and within the operating constraints of each resource, such as reliability-based requirements for capacity, fast start, and energy. Tr. 562.10:7-11. When evaluating the optimal resources to meet DESC's capacity needs, PLEXOS compared fifteen generation options including stand-alone battery storage, stand-alone solar, hybrid solar and storage, CT units, CC units, offshore wind, and small modular reactors. Tr. 562.12:1-5. PLEXOS also modeled different scenarios including a reference build plan with environmental constraints in conformance with a continuance of the United States Environmental Protection Agency's Greenhouse Gas (GHG) rules and a scenario where the GHG rules were repealed. Tr. 562.13 at Figure 1. Additionally, four scenarios without GHG rules were modeled to determine how the reference build plan might change under different market conditions. Tr. 562.14:9-10. These included a high load forecast scenario, a high fossil fuel price scenario, a scenario which contemplated a 20% capital cost adder on all thermal and renewable resources, and a scenario where thermal units were only selected to support the integration of renewable resources. Tr. 562.14:10-20.

ORS Witness Skipper testified DESC compared the project to other generation options in accordance with S.C. Code Ann. section 58-33-110(8)(A). Tr. 1085.14:9-11. Pursuant to DESC's analysis, the Canadys Joint Resource was identified as the most cost-effective option over the next best alternative, 50% ownership of a 2x1 CC. Tr. 1085.15:8-10. The Project was economically selected in all scenarios modeled with the exception of the High Renewables Build Plan which specifically excluded the selection of the Canadys Joint Resource. Tr. 1085.15:13-15.

To compare the Project to other alternative generating options, Santee Cooper utilized the Encompass simulation software. Tr. 577.4:20–577.5:3. EnCompass was allowed to select from a variety of different generation options including solar, battery, wind, large frame CT, aeroderivative CT, natural gas CC, and nuclear. Tr. 577.5:3-5. Santee Cooper Witness Settle testified the modeling considered cost and performance characteristics, schedule constraints, fuel costs and availability, transmission constraints and costs, ancillary service capabilities, and current and reasonably expected future environmental costs and restrictions of the different generating options. Tr. 577.5:7-12. The modeling also incorporated projections of energy efficiency and demand-side management programs. Tr. 577.5:10-12. Additionally, Encompass evaluated various portfolios which modeled scenarios such as a high natural gas fuel price forecast, a high load forecast, a capital cost sensitivity where the capital costs for fossil fueled resources increased 20%, a low load sensitivity, a no new fossil resources scenario, a portfolio wherein the Project was not pursued and renewable resources and flexible peaking CTs were chosen, and portfolios evaluating the impacts of the 2024 GHG rule and draft 2025 GHG rule alternate path. Tr. 577.24:3-577.25:11. Witness Settle further testified Encompass was allowed to freely select the least-cost portfolio to meet system requirements and load growth and in each case, the model selected the Canadys Joint Resource in its preferred portfolio. Tr. 577.52:18-22.

ORS Witness Skipper testified Santee Cooper compared the Project to other generation options in accordance with S.C. Code Ann. section 58-33-110(8)(A). Tr. 1085.9:15-17. Using Encompass, Santee Cooper developed an Optimized Portfolio designed to identify the least-cost resource mix necessary to satisfy system ancillary services, forecasted load growth, and planning reserve margin requirements. Tr. 1085.11:14-16. The optimized portfolio modeling results selected the Project along with a combination of Battery Energy Storage Systems (BESS), CC units, and large frame CTs. Tr. 1085.11:16-18. The Project was also selected in every portfolio and sensitivity Santee Cooper modeled, with the exception of portfolios wherein the Project was specifically excluded, such as the No New Fossil Portfolio and No New Fossil Allow Flexible Peakers

Portfolio. Tr. 1085.12:3-6. Santee Cooper's portfolios that selected the Project were also forecasted to be lower cost than portfolios without the Project. Tr. 1085.12:6-7. Witness Skipper also testified Santee Cooper's analyses incorporated Demand Side Management (DSM) and Demand Response (DR) projections consistent with the 2025 IRP Update. Tr. 1085.11:4-6. Santee Cooper concluded that future capacity needs could not be met through Energy Efficiency (EE) and DR programs alone and that the addition of capacity through other means is necessary. Tr. 1085.11:9-11.

Sierra Club Witness Metz testified alternative generation options such as batteries paired with renewables would protect ratepayers against the risk posed by continued reliance on fossil resources. Tr. 949.45:1-2. As such, Witness Metz recommended the Commission instruct Santee Cooper and DESC to study whether a portion of the proposed Project could be replaced with battery storage paired with renewables, at lower cost and risk to ratepayers. Tr. 949.9:21-24.

In response to Witness Metz, DESC Witness Walker testified the modeling conducted by DESC Witness Neely and Santee Cooper Witness Settle for this proceeding, as supported by multiple IRPs and annual IRP updates by both utilities, demonstrate that DESC and Santee Cooper have compared the Project to other generation options, including but not limited to CTs and BESS, and those comparisons have shown that the Canadys Joint Resource is preferable across multiple analyses. Tr. 676.29:12-17.

SACE/CCL Witness Chelsea Hotaling evaluated whether the Canadys Joint Resource represented a more cost-effective, less risky means of serving the utilities' customers compared with reasonably available alternatives. Tr. 997.3:21–997.4:2. Witness Hotaling performed capacity expansion and production cost modeling using EnCompass to develop alternative portfolios that meet the projected capacity and energy needs of the Joint Applicants without the Canadys Joint Resource. Tr. 997.4:2-4. Based on her analysis, she concluded that there are cost-comparable, lower risk, reliable, reasonably available alternatives to the Joint Canadys Resource. Tr. 997.4:5-7. Witness Hotaling recommended the Commission reject the Joint Applicants' Request for a Certificate because according to her, the Joint Applicants had not adequately compared the Joint Resource to other generation options. Tr. 997.46:16-20.

SACE/CCL Witness Kannan assessed whether the Joint Applicants' transmission and interconnection analyses considered alternative siting options from a transmission standpoint. Tr. 1009.33:1-6. In conclusion, SACE/CCL Witness Kannan testified the record does not reflect a comprehensive evaluation of alternative resource mixes, updated planning assumptions, and multiple future scenarios, nor does it fully resolve outstanding interconnection and affected system considerations. Tr. 1009.69:3-8.

In response to SACE/CCL Witness Hotaling's Direct Testimony, Santee Cooper Witness Settle testified Santee Cooper utilized EnCompass to compare generation options to develop portfolios to meet Santee Cooper's needs. Tr. 583.11:9-11. EnCompass was allowed to select from a variety of generation resources and technology. Tr. 583.11:12-15. Witness Settle also stated that SACE/CCL Witness Hotaling's comparison of the Canadys Joint Resource to her suggested alternative generation options is not an apples-to-apples comparison because it is based on theoretical and abstract assumptions about natural gas and transmission. Tr. 583.12:1-4. DESC Witness Walker testified SACE/CCL Witness Hotaling's alternative generation portfolio was based on flawed assumptions and overall impractical for several reasons including not properly accounting for the effects of retirements and fuel conversions on Dominion's system, a misunderstanding of generation planning and site selection, and an incorrect analysis of Dominion's transmission system. 676.5:15–676.6:20. In response, SACE/CCL Witness Hotaling testified the purpose of SACE/CCL's modeling was not to offer an alternative plan for the Commission to approve but rather to identify and assess reasonable alternatives that the Joint Applicants should have, but did not, explore. Tr. 999.2:14–999.3:17. Witness Hotaling argued SACE/CCL's modeling demonstrated that the Joint Applicants had not seriously considered alternatives to the Canadys Joint Resource. Tr. 999.3:17-19.

DESC Witness Neely testified the Company's recent IRPs, IRP Updates, and PLEXOS modeling conducted to support the Application confirm that the Canadys Joint Resource serves the interests of system economy, reliability, and efficiency as compared to other alternatives. Tr. 562.23:14-18. DESC Witness Kissam testified that the Project will be the "most fuel efficient and effective resource for safely, reliably, and affordably meeting the growing energy demands of South Carolina." Tr. 384.26:7-9. According to Witness Neely, the various scenarios modeled in PLEXOS demonstrate that the Canadys Joint Resource supports system economy even if a change in market conditions occurs such as higher load growth, higher fuel costs, different environmental regulations, or higher construction costs. Tr. 562.24:3-8. From a net present value, across the planning horizon, Witness Neely testified the Canadys Joint Resource will save customers $34.7 million a year compared to the next most economical solution which is 50% ownership of a 2x1 CC. Tr. 562.25:6-8. According to Santee Cooper's analysis, a 50% ownership of a 2x1 CC has a similar capital cost on a $/kW-basis to the Canadys Joint Resource, but its winter capacity rating of 735 MW is less than the 1,098 MW winter rating of the Canadys Joint Resource, therefore requiring additional resources to be built in the same planning horizon. Tr. 562.25:8-11. DESC Witness Walker testified the Canadys Joint Resource will be the most efficient thermal generating facility on the DESC system and the arrangement of three, independent, dual fuel 1x1 CC power blocks with the addition of duct firing that are backed by long-term firm transportation pipeline capacity strongly supports system reliability. Tr. 669.52:14-19. According to Witness Walker, the Company will be able to utilize existing transmission corridors to connect the Canadys Joint Resource to Charleston by rebuilding existing transmission circuits. The majority of the transmission upgrades that will likely be required to support the Canadys Joint Resource involve aging transmission assets that will require replacement whether or not the Canadys Joint Resource is constructed. Tr. 676.15:20-676.16:11. He also testified that even assuming higher costs, the model continued to select the Canadys Joint Resource as the most cost-effective generation capacity addition to meet customers' needs. Tr. 669.31:21-669.22:1–2.

Santee Cooper Witness Settle testified the Encompass model Santee Cooper utilized to establish the least cost portfolio, titled the Optimized Portfolio, found the Canadys Joint Resource, as well as a combination of BESS, CC, and large frame CT to be the least cost portfolio. Tr. 577.43:6-15. When the Canadys Joint Resource is not implemented and the Santee Cooper system does not have additional natural gas combined cycle capacity and energy, the estimated system power cost is significantly higher over the Study Period. Tr. 577.47:18-577.48:4. Additionally, Santee Cooper performed a capital cost sensitivity in support of the Joint Application wherein the capital cost of thermal resource options was increased by 20% while the cost of other resource options remained unchanged. Tr. 577.50:4-9. EnCompass continued to choose the Canadys Joint Resource, other CC, and CT resources upon considering the increased capital cost assumptions. Tr. 577.50:13-15.

Santee Cooper Witness Settle and DESC Witness Stevick testified that the Canadys Joint Resource will be one of the most efficient base load generation resources for Santee Cooper, that it will strengthen Santee Cooper's portfolio from a fuel diversity perspective, and that its ability to provide continuous capacity and energy, regardless of time of day or weather conditions, will enhance system reliability. Tr. 577.57:7-577.58:5; Tr. 681:24-682:3; Tr. 688.7:18-688.8:2. Witness Stevick also highlighted that the Project will enhance system reliability and economy for Santee Cooper because its three separate systems permit the utilities to perform maintenance on one isolated system without losing the entire generating facility. Tr. 684.11:2-20.

Witness Settle testified Santee Cooper considers resources within its balancing authority that can be committed and dispatched for extended periods of time when assessing reliability. Tr. 577.56:3-5. Such resources provide the ability to support load variability, manage the intermittency of renewables as they are added to the system and control for maintenance schedules. Tr. 577.56:7-9. Witness Settle testified the Canadys Joint Resource will provide such reliability benefits because it is able to provide continuous capacity and energy located on Santee Cooper's system. Tr. 577.56:9-12. Additionally, the EnCompass simulation model utilized by Santee Cooper ensures that all evaluated resource portfolios meet reliability standards for the target capacity planning reserve margin and satisfy shared regional contingency reserves for spinning and quick-start operating reserves. Tr. 577.56:13-16.

DESC Witness Parker testified regarding the locations of the Company's generation assets. Tr. 846.5:6-14; Tr. 846.6 at Figure 2. He testified that "[l]ess than 800 MWs of dispatchable generation capacity are located in the vicinity of Charleston" with Williams representing over 75% of that capacity. Tr. 846.5:10-12. According to Witness Parker, an imbalance in the relationship between generation and load results from the location of the Company's principal generation assets being in the northern part of the service area versus the southern part of service area. Tr. 846.6:4-6. He further testified that the "fact that most of the generation in the Charleston area is generated in Williams Station has implications for reliability and resiliency of service to the area." Tr. 846.6:8-10. If new generation assets are located adjacent to the Charleston area, it would create a benefit to system economy and reliability, which would not be present if the new generation was located elsewhere. Tr. 846.6:10-846.7:2. The Canadys Joint Resource and electric transmission system improvements it will support will contribute to system efficiency and reliability by removing transmission constraints that currently make ensuring reliability in the region difficult. Tr. 846.30:3–7.

According to DESC Witness Walker, the Joint Applicants specifically selected a three 1x1 NGCC configuration for the Canadys Joint Resource as it enhances system reliability, because this configuration maximizes its operational flexibility and responsiveness compared to one or more 2x1 or one 3x1 NGCC units. Tr. 669.50:18-669.51:14. This configuration ensures that each unit can continue to generate power even if one or both of the other units are offline for maintenance or repairs. Tr. 669.49:4-9. In addition, the Canadys Joint Resource will also be able to supply the Joint Applicants' systems with ancillary services including voltage support, frequency regulation, and operating reserves in a highly stressed part of the transmission grid. Tr. 669.50:3–5. According to Santee Cooper Witness Stevick, the availability of alternative fuel on site ensures that the Canadys Joint Resource can continue to operate even if the delivery of firm natural gas supplies is interrupted. Tr. 684.5:14-16.

ORS Witness Skipper testified based on analyses performed by the Joint Applicants, the Project is necessary to meet projected demand as well as to support the eventual retirement of coal-fired generation units. Tr. 1085.17:1-3. The Joint Applicants' 2023 Comprehensive IRPs, 2024 and 2025 IRP Updates, and additional modeling prepared in support of the Application indicate the Project may support system economy and reliability. Tr. 1085.17:3-8.

Commission Conclusion

When granting a Certificate, the Siting Act requires the Commission to determine whether the Applicant has shown the basis of the need for the facility and whether the facility will serve the interests of system economy and reliability. S.C. Code Ann. § 58-33-160(1)(a), (d) (Supp. 2025). Further, an Applicant must demonstrate whether the facility was compared to other generation sources. S.C. Code Ann. § 58-33-110(8)(a) (Supp. 2025). The Canadys Site has been suitably assessed against other potential locations and demonstrated that the selection of that location maximized the contribution of the Project to system reliability and economy.

Based on the evidence in the record as summarized above, the Joint Applicants have demonstrated their need for the Project, that the Project will serve the interests of system economy and reliability as well as demonstrated that the Project has been compared to other generation options in accordance with S.C. Code Ann. sections 58-33-160(1)(a), (d) and 58-33-110(8)(a).

C. Evidence and Discussion in Support of Finding of Fact No. 7

In showing that "[p]ublic convenience and necessity clearly require the construction of the Canadys Joint Resource," DESC Witness Kissam testified that the Project will enable the Joint Applicants to continue to meet South Carolina's energy demands efficiently, economically, and in a timely fashion. Tr. 384.34–35; *see generally* Tr. 441:11–442:9 (testifying that public convenience demands electricity working when wanted and needed). Considering customer growth, future coal plant retirements, and the proliferation of non-dispatchable resources such as solar, Witness Kissam stated the Canadys Joint Resource as a natural gas CC facility is uniquely valuable because it will offer fully dispatchable generation to reliably serve growing customer demand and the operational flexibility needed to balance the electric grid. Tr. 384.35:20-384.36:5. Santee Cooper Witness Staton agreed, testifying that public convenience demands that utilities are able to reliably meet the electrical needs of the state, including allowing "folks [] to utilize electricity as they see fit," and the Canadys Joint Resource will enable the Joint Applicants to do that. Tr. 442:17-443:9. He further testified he believes the Canadys Joint Resource is in the best interest of Santee Cooper and its customers and public convenience and necessity require its construction and operation. Tr. 386.30:7-11.

ORS Witness Seaman-Huynh testified that, "[b]ased on the information provided by the Joint Applicants," ORS "does not oppose a finding by the Commission that the Project will serve the public interest and necessity." Tr. 1089.10:3-5. (testifying ORS determined the Project "will serve public convenience and necessity"); Tr. 1102:6-8; Tr.

1116:18-25 (testifying that, after weighing the needs of the public, environmental review, cost, and reliability, ORS found the Project will serve public convenience and necessity).

Commission Conclusion

When granting a Certificate, the Siting Act requires the Commission to determine whether the Applicant has shown whether public convenience and necessity require the construction of the proposed facility. S.C. Code Ann. § 58-33-160(1)(f) (Supp. 2025). ORS did not challenge the assertion that the Project will serve public convenience and necessity.

Based on the evidence in the record as summarized above, the Joint Applicants have demonstrated public convenience and necessity require the construction of the Project, as contemplated by S.C. Code Ann. section 58-33-160(1)(f).

D. Evidence and Discussion in Support of Finding of Fact Nos. 8-9.

The Joint Applicants asserted that the Project is not anticipated to have any significant adverse impacts to land use, soil, wetlands/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, or aviation and therefore, the probable environmental impact associated with the construction and operation of the Project as proposed by the Joint Applicants is minimal. Hearing Exhibit No. 5 at 11-12. The Joint Applicants also asserted that the environmental impact of the Project is justified, considering the state of available technology and the nature and economics of various alternatives and other pertinent considerations. *Id.*

The Joint Applicants propose to construct the Project at a brownfield Site located in Colleton County, South Carolina. Tr. 692:4-7. The site is located at DESC's former Canadys coal-fired power plant, which operated from 1962 until 2013, and the majority of the Site is surrounded by rural, sparsely developed land. Tr. 692.11-17. On behalf of the

Joint Applicants, Witness Bass testified that there are multiple environmental and community benefits associated with using a brownfield site, like this one, including preservation of undeveloped greenfield sites, minimization of disruption to natural ecosystems, utilization of existing infrastructure and minimization of routing and development of new greenfield utility lines and substations, and alignment with the property's historical use as a generating site. Tr. 692:18–693:5; Tr. 696.6:11-696.7:4.

Witness Bass further testified about the nature of the environmental impact of the Project, discussing the studies his team conducted and the conclusions of the Environmental Report. Per Bass, several studies were conducted on behalf of the Joint Applicants to assess the environmental impact of the Canadys Joint Resource, including a jurisdictional waters delineation (i.e., streams and wetlands), a threatened and endangered species assessment, and a cultural resources assessment. Tr. 696.7:9-15. Bass' team also assessed visual resources, land use, and aviation. Tr. 696.7:14-15. As explained in the Environmental Report, these studies concluded that the Canadys Joint Resource is not expected to have significant adverse impacts to land use, soil, wetland/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, air quality, noise, or aviation. Tr. 696.15:10-13. Thus, Bass concluded that the impact of the Canadys Joint Resource and associated facilities upon the environment is justified considering the state of available technology and the nature and economics of the various alternatives. Tr. 696.16:17–696.17:17.

In particular, with regard to jurisdictional wetlands, Bass testified that very few delineated wetlands are located near the Project's Site and that the Project is not anticipated to have any significant short- or long-term impacts to wetlands or streams. Tr. 696.8:1-16.

The Joint Applicants will conduct any limited clearing of trees within wetlands with shearing methods, not engage in grubbing, and not disturb root mats. Tr. 696.8:6-10. He also noted that temporary access within wetlands to construct lines will be accomplished on mats. Tr. 696.8:10-11.

Bass further testified that the Project is not anticipated to have a significant effect on threatened or endangered species as no federally or state-listed species were identified on Site. Tr. 696.17:10-11.

With regard to cultural resources, Brockington and Associates, Inc., a cultural resource consulting firm, conducted an architectural and archaeological resources investigation pertinent to the Site. Tr. 696.11:13-19. That investigation revealed no resources that met the criteria for National Register of Historic Places listing, and Brockington recommended no further management considerations for the Site. Tr. 696.11:18-696.12:3.

Bass confirmed that the Project will have minimal impact to the community for a number of reasons, such as the fact that the Project will be located on a brownfield site with existing transmission and substation infrastructure; the Site is mostly already cleared; the design of the Canadys Joint Resource will utilize air cooling technology, which will significantly minimize (or even eliminate) vapor plumes; the Site is relatively flat and surrounded by large tracts of forested areas; and the proposed facility will be visible from only a minor portion of the surrounding area. Tr. 696.13:7–696.14:9. Bass also noted that computer modeling suggests that only one nearby home may have potential views of the Project. Tr. 696.14:10-11. The auditory assessment concluded that noise from construction will be intermittent, generally confined to normal working hours, and noise from operations is not expected to exceed general industrial-scale development activities. Tr. 686.13:1-3.

Finally, Bass and DESC Witness Walker testified that the Project will be subject to federal, state, and local environmental regulations and permits, including ones required by DES for air emissions, water, and wastewater. Tr. 696.15:18-686.16:11; Tr. 669.43:18-669.44:7. Walker further testified that the Canadys Joint Resource will conform to all such regulations and permits. Tr. 669.44:8-10.

Intervenor Witnesses Burbage and Stanfill raised concerns about fine particulate matter exposure from the Canadys Joint Resource and how the Project will impact nearby waters and public health. Tr. 1044:6-1045:11. However, Witnesses Walker and Bass testified that the Project would comply with applicable air quality standards and DES permits; the Project will meet Best Available Control Technology standards for air emissions in its design and permitting; and emissions will be within allowable limits (as determined by applicable agencies). Tr. 736:14-738:7; Tr. 749:23-750:2; Tr. 755:22-756:5. Furthermore, Santee Cooper Witness Stevick testified that the Project's technology has a heat rate that will result in approximately 50% less CO_2 emissions compared to older, more costly coal combustion technology, and, unlike coal generation, the Project's technology will produce no sulfur emissions, heavy metal emissions, or ash production. Tr. 684.12:11-15. Additionally, the Canadys Joint Resource's use of air-cooled condensers for cooling will result in the plant using a small fraction of the water previously used by the former Canadys Steam Plant despite the new facility being over four times larger in generating output capacity. Tr. 666:17–22. Moreover, regarding water quality, Witness Walker testified that the Project would comply with applicable water permits (including a National

Pollution Discharge Elimination System permit), and it will withdraw water from very deep aquifers, well below the location of typical residential wells in the area. Tr. 758:14-759:11; 764:2-765:17; 667:3–8.

ORS Witness Seaman-Huynh testified that, based on the information provided by the Joint Applicants, ORS "understands the [P]roject may result in minimal, if any, impact on the environment." Tr. 1088:1-3. He also noted that ORS had reached out to environmental agencies, including DES, about the Project and none of those agencies raised any issues with the Project. Tr. 1114:12-22.

Commission Conclusion

Based on testimony presented, the Environmental Report, and other evidence in the record, the Joint Applicants have demonstrated that the Project is not anticipated to have any significant adverse impacts to land use, soil, wetlands/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, or aviation and therefore, the probable environmental impact associated with the construction and operation of the Project as proposed by the Joint Applicants is minimal, in accordance with S.C. Code Ann. section 58-33-160(1)(b) (Supp. 2025). In addition, the Joint Applicants have demonstrated that the environmental impact of the Project is justified, considering the state of available technology and the nature and economics of various alternatives and other pertinent considerations, in accordance with S.C. Code Ann. section 58-33-160(1)(c).

E. Evidence and Discussion in Support of Finding of Fact No. 10.

The Joint Applicants asserted that the Project would conform to all applicable state and local laws and regulations, including any allowable variance provisions, as required by S.C. Code Ann. section 58-33-160(1)(e) (Supp. 2025). Hearing Exhibit No. 5 at 13, para. 5.

DESC Witness Kissam and Santee Cooper Witness Staton testified that the Joint Applicants both have a culture of compliance, and that DESC and Santee Cooper—through construction and operation of the Canadys Joint Resource—will comply with local, state, and federal environmental laws. Tr. 544:25–545:41; Tr. 493:8-15. Other witnesses, including Santee Cooper's Stevick, DESC's Walker, and Witness Bass echoed that the Canadys Joint Resource will comply with applicable laws. Tr. 684.13; Tr. 666:2–4; Tr. 696.17:11–12; Tr. 743:15-18.

ORS Witness Seaman-Huynh testified that, based upon ORS' examination and review of the Application, the Joint Applicants have provided reasonable assurance the Project will conform to all applicable state and local laws and regulations. Tr. 1089.9:4-5. He also noted that "based on past experience in [other] generation and transmission siting projects, [he has] not experienced a time when either of the Joint Applicants have not abided by all State and local rules and requirements." Tr. 1099:5-9.

Commission Conclusion

When granting a Certificate, the Siting Act requires the Commission to determine whether the Applicant has provided reasonable assurance that the proposed facilities will conform to applicable state and local laws and regulations. S.C. Code Ann. § 58-33-160(1)(e). Based on the evidence of record, the Joint Applicants have provided reasonable assurance that the Project will conform to all applicable state and local laws and regulations, in accordance with S.C. Code Ann. section 58-33-160(1)(e).

F. Evidence and Discussion in Support of Finding of Fact Nos. 11.

The Joint Applicants asserted in the Application that:

> [b]ased on the cost and schedule information currently available, and subject to continued pricing refinement with project vendors, qualified equipment suppliers, and execution of an Engineering, Procurement, and Construction agreement, the Joint Applicants currently estimate the cost of the generation facilities to be approximately $5 billion, with each of the Joint Applicants sharing those costs equally.

Application at 13, para. 6.

S.C. Code Ann. section 58-33-180(D) (Supp. 2025) requires Santee Cooper to provide the Commission with an estimate of construction costs in such detail as the Commission may require. Santee Cooper Witness Stevick testified that the estimated cost to construct the Project would be approximately $5 billion. Based on his testimony, the Joint Applicants would share those costs equally and each company would be responsible for a proportional share of the interconnection switchyard. Tr. 684.4:15-18; Tr. 684.9:3-5; *see generally* Hearing Exhibit No. 5 at 13, para. 6. DESC Witness Walker also testified that the current estimate to construct the Project is $5 billion, which includes the estimated cost to construct the Edisto River Switchyard at the Site but does not include financing costs. Tr. 669.29:11-17. According to Walker, "DESC and Santee Cooper intend to own a proportionate share of the Edisto River Switchyard reflective of the number of transmission lines interconnecting to this joint owned asset." Tr. 669.26:18-20. Walker also testified that markets for this equipment are extremely tight due to increased demand for natural gas generating equipment and related electrical equipment worldwide. Tr. 669.22:4-6. DESC

Witness Parker noted that DESC's cost for network transmission improvements outside of the Project site is estimated to be approximately \$202 million. Tr. 846.15:2-6. According to Santee Cooper Witness Wagner, Santee Cooper's estimated cost for electric transmission upgrades associated with the Project is in the \$275-350 million range. Tr. 860.2:4-7. The costs for construction of the new DESC-owned 230/115 kV Colleton County Substation and associated 230/115 kV transformer, on-site 230 kV transmission line that will connect the jointly owned Edisto River Switchyard to the Colleton County Substation, and re-termination of the existing DESC-owned 230 kV electric transmission lines at the Site into the new Edisto River Switchyard will be borne by DESC. Hearing Exhibit No. 5 at 13, n. 8.

The total estimated cost is the best estimate at the time according to Santee Cooper Witness Staton. Tr. 509:2-3. According to Santee Cooper Witness Stevick, the Joint Applicants have taken and will continue to take steps to mitigate possible construction delays and cost overruns. Tr. 684.9:15–684.10:6. For example, the Joint Applicants already have "locked in" pricing for about 25% of the costs of the Project already, which includes ordering "most of the major equipment." Tr. 505:23–506:5; *see also* Tr. 688.2:10–688.3:8 (Stevick testifying about steps the Joint Applicants have taken to mitigate potential schedule delays and cost escalation risks).

Santee Cooper Witness Staton testified that the Project "will be jointly owned by Santee Cooper and DESC in equal shares, and Santee Cooper will own and be able to dispatch approximately 1,090 MW of the facility's capacity." Tr. 386.11:22-386.12:2.

ORS Witness Skipper testified that "DESC and Santee Cooper will each hold a 50% undivided ownership in the generating assets of the Project." Tr. 1085.6:2-3. ORS's testimony supported that estimated construction costs associated with the Project were provided. Tr. 1089.8:13-15.

Sierra Club Witness Metz testified that the current estimated cost to ratepayers for the Project is $5 billion, which could substantially increase between the present and the anticipated operational date in mid-2033. Tr. 941:22-25. To protect ratepayers, she recommended that the Commission should make approval of the Certificate conditional on the Joint Applicants definitive agreement to "retire the Wateree, Williams and Winyah coal plants as soon as the Canadys CC comes online." Tr. 942:18-24. According to her, the "Joint Applicants propose that ratepayers pay off the estimated $5 billion for the Canadys CC through 2069 without any guarantee that there will be corresponding savings from the retirement of costly coal capacity." Tr. 942:24-943:3. Witness Metz discussed the on-going delays in planned retirement dates, which have resulted in DESC and Santee Cooper incurring millions of dollars in compliance costs, which could have been avoided if the coal plants had been retired as originally planned. Tr. 943:13-21. She added that these coal plants are aging and will become increasingly expensive to maintain. Tr. 943:21-23. Failing to retire these coal plants around the time that the Project comes online could mean significantly higher environmental compliance costs. Tr. 943:24-944:2. Witness Metz also recommended that Santee Cooper only procure "resources to serve large load customers with signed contracts for electric service" because it will assist Santee Cooper in avoiding overbuilding and allow the use of new resources like the Project as replacement capacity for retiring coal plants. Tr. 944:13-19. Witness Metz testified that Santee Cooper projected "a high level of load growth from prospective large load customers." Tr. 944.20-21. According to her, "more than a third of Santee Cooper's projected load growth through 2033, is not backed by signed contracts" which is risky for existing customers. Tr. 944:25-945:3. If the large load growth is slower than projected, existing customers are left with paying for unneeded assets. Tr. 945:3-6. Another recommendation addresses the cost of the Project. Witness Metz testified that the cost of new gas resources has escalated dramatically since 2023, when the Joint Applicants began considering a jointly owned gas plant. Tr. 945:25-946:4. She stated:

> the Joint Applicants are effectively asking this Commission for a blank check to construct a gas plant that is now projected to cost at least $5 billion, a price tag that could continue to increase. Because the Joint Applicants are at an early stage for project contracting for the Canadys CC, there is a material risk that project costs will escalate beyond the current projections.

Tr. 946:10-18. She recommended that the

> Commission cap project cost for the Canadys CC at the total amount the Joint Applicants currently estimate and require a separate demonstration of prudence for any expenditures above the cost cap.

Tr. 946:19-24. According to her, this will protect ratepayers from the impact of future cost escalation. Tr. 946:18-19 Another recommendation Witness Metz made is for the Joint Applicants to make near-term resource procurement on battery storage paired with renewables. Tr. 946:1-3. She testified that batteries provide flexibility to respond to the uncertain pace and magnitude of data center load growth because of battery resource modularity, lifetime and short construction timelines. Tr. 947:3-8.

DESC Witness Walker responded to Witness Metz' recommendation that the Commission condition the Certificate on the commitment by the Company to retire coal plants at a future date when need or availability in the future may necessitate a different decision. Tr. 676.26:1-15. He testified that premature commitment to a retirement date could only harm customers in the future should conditions change. Tr. 676.26:15-17. The need for the two coal resources after the early 2030s is uncertain and responsible utility management does not support making a premature decision at this time as to when to retire Wateree and Williams. Tr. 676.27:17-20. He also testified that DESC's modeling consistently selected the Project over alternative plans relying on battery paired with storage or other renewables. Tr. 676.28:19-21. As to the recommendation that the Commission cap costs at the current $5 billion estimate, Witness Walker testified that the issuance of a Certificate is not a prudency determination as to costs incurred. Tr. 676.30:4. In future rate proceedings, DESC will be required to demonstrate reasonableness and prudency for all costs in future proceedings prior to costs being included in rate base. Tr. 676.30:4-7. Further, he testified, there are no provisions under Act 41 or the Siting Act that authorize the Commission to impose a cost cap. Tr. 676.30:9-10.

Santee Cooper Witness Settle testified that it was incorrect for Sierra Club Witness Metz to suggest that Santee Cooper proposed the Project to meet load growth mainly for prospective large loads. Tr. 583.7:9-11. According to Witness Settle, Santee Cooper performed a low load sensitivity analysis which concluded that the Project is supported even with lower load projections which excludes potential large load growth. Tr. 583.7:6-8. He further testified that should there be lower large load growth than forecasted, the capacity afforded by the Project would position Santee Cooper to retire older resources, like Winyah earlier, so long as such retirement preserves system reliability and economy. Tr. 583.7:12-15. Witness Settle also testified that capacity and need evaluation and analysis included an assumption that Winyah would be retired by 2035 and that the Project is necessary for load growth regardless of the Winyah retirement date. Tr. 577.55:9-18. In response to Sierra Club Witness Metz' recommendation of a cost cap, Santee Cooper Witness Stevick testified that costs are already controlled under established ratemaking rules and processes. Tr. 688.5:4-9. According to Witness Stevick, these "ratemaking processes do not need to be modified, particularly in a Siting Act proceeding." Tr. 688.5:9-10. He testified that the Project will be closely monitored by ORS as set forth in Act 41. Tr. 688.5:10-12. On top of the requirements of Act 41, the Joint Applicants plan to have a independent third-party monitor during construction to track safety, quality, cost and schedule. Tr. 688.5:15-17. Witness Stevick also testified regarding the retirement of Winyah, stating "Santee Cooper intends to retire older and less efficient generating resources as soon as resource availability and forecasted load growth allow" and proceeding with the Project examines the potential to retire Winyah. Tr. 688.6:14-18.

Commission Conclusion

S.C. Code Ann. section 58-33-180(D) requires Santee Cooper to "file an estimate of construction costs in such detail as the commission may require." Santee Cooper, along with DESC, anticipated initial estimated construction costs to fall between \$2 and \$2.5 billion, which was increased to \$5 billion at the time of this proceeding. The Joint Applicants and some Intervenors took positions on the estimated costs, what went in to determining those estimated costs, whether the Project was compared to other resources with respect to costs, and how those costs should be evaluated.

Based on the evidence in the record as summarized above, Santee Cooper provided an estimate of the construction costs in accordance with the requirement to do so under S.C. Code Ann. section 58-33-180(D).

G. Evidence and Discussion in Support of Finding of Fact Nos. 12-13.

S.C. Code Ann. section 58-33-180(A) requires Santee Cooper to satisfy additional requirements specific to the Company, by establishing that: (1) construction of the Canadys Joint Resource constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives; and (2) energy efficiency measures; demand-side management; renewable energy resource generation; available long-term power supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system and that the construction and operation of the facility is in the public interest. S.C. Code Ann. § 58-33-180(A).

Witness Settle testified that Santee Cooper's EnCompass-based portfolio analyses evaluated a diverse resource mix, including energy efficiency (EE) measures, demand-side management (DSM), and renewable energy resource generation. Tr. 577.58:13-16. However, the analysis determined that neither EE and DSM programs nor renewable energy resource generation alone can satisfy the projected energy demand requirements of the Santee Cooper system at a reasonable cost. Tr. 577.58:16-19. Settle also noted that attempting to meet Santee Cooper's growing system needs with resources other than combined cycle and combustion turbines would result in substantially more cost and require the development of approximately 40,000 acres of land for the solar identified to meet Santee Cooper's system requirements (as compared to the approximately 100 acres of brownfield land required for the Project). Tr. 577.48:9-17. DESC's Witness Neely estimated that meeting DESC's needs would require approximately 60,000 acres of solar facilities. Tr. 636:19-24.

Witness Settle further testified that, through an RFP process and other evaluations, Santee Cooper concluded that long-term power supply alternatives, including contractual arrangements such as power purchase agreements, likewise cannot fulfill the projected demand. Tr. 577.58:19-577.59:1. Rather, modeling and analysis confirm that the Canadys Joint Resource is the key, cost-effective, and reliable resource addition to an integrated portfolio to meet Santee Cooper's growing demand and the energy requirements of its system. Tr. 577.58:11-14.

ORS Witness Skipper confirmed that, based on his review, Santee Cooper compared the Project to EE and DR options in accordance with S.C. Code Ann. section 58-33-180(A). Tr. 1085.11:4-11.

Commission Conclusion

Based on the evidence in the record summarized above, Santee Cooper has demonstrated the Project constitutes a more cost-effective means for serving direct serve and wholesale customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service in accordance with S.C. Code Ann. section 58-33-180(A)(1). Further, Santee Cooper has also demonstrated energy efficiency measures, demand-side management, renewable energy resource generation, available long-term power supply alternatives, or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system for Santee Cooper, and construction and operation of the Project is in the public interest, all in accordance with S.C. Code Ann. section 58-33-180(A)(2).

H. Evidence and Discussion in Support of Finding of Fact No. 14.

DESC asserted that the Company plans to lease an undivided fifty percent interest to Santee Cooper in a portion of the site containing jointly owned facilities and equipment and sought approval from the Commission pursuant to S.C. Code Ann. section 58-27-1300 requires an electrical utility to seek Commission approval when it intends to sell, assign, transfer, lease, consolidate, or merge its utility property which has a fair market value of more than one million dollars. Hearing Exhibit No. 5 at 13-14, para. 7.

DESC Witness Walker testified that the Company intends to provide Santee Cooper a fifty percent leasehold interest in the underlying real estate for the Project site that will run for the life of the facility under the Joint Operating Agreement. Tr. 669.27:3-6. According to him, it is difficult to value a partial leasehold interest in a brownfield generating plant site that is located in a rural area with few comparable sales. Tr. 669.27:7-9.

DESC and Santee Cooper have negotiated and will execute a lease agreement[30] if both the Commission and the South Carolina Legislature's Joint Bond Review Committee approve the Lease. Tr. 684.5:22-684.6:4.

ORS Witness Seaman-Huynh testified that he reviewed the request by DESC for approval to lease portions of the Site to Santee Cooper, as well as the lease agreement, and

[30] The lease agreement was filed as an Exhibit (ARW-2) to the Direct Testimony of DESC Witness Walker and was given confidential treatment by Order No. 2025-176-H (Dec. 22, 2025).

that ORS "[did not] object to the Commission approval of the lease agreement." Tr. 1088:8-9; Tr. 1089.10:7-14.

Commission Conclusion

S.C. Code Ann. section 58-27-1300 requires an electrical utility to seek Commission approval when it intends to sell, assign, transfer, lease, consolidate, or merge its utility property which has a fair market value of more than one million dollars. S.C. Code Ann. § 58-27-1300 (2015). Based on the evidence in the record as summarized above, and for purposes of construction and operation of the Project, DESC has set forth adequate rationale to lease to Santee Cooper an undivided fifty percent interest in a portion of the Project site containing jointly owned facilities and equipment.

I. Evidence and Discussion in Support of Finding of Fact No. 15.

ORS is the entity empowered by the South Carolina General Assembly to:

> represent the public interest of South Carolina before the commission as it pertains to . . . :
> (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.

S.C. Code Ann. § 58-4-10(B). ORS has the authority to seek the production of books, records, and other information from jurisdictional utilities pursuant to ORS's statutory authority vested by S.C. Code Ann. section 58-4-55(A). As a party of record to all proceedings before the Commission, ORS also has the right to conduct discovery pursuant to S.C. Code Ann. Regs. 103.833. Through the aforementioned provisions, ORS can request information including, but not limited to, that which establishes the need for a generation unit of the scope and scale of the Canadys Joint Resource, its environmental impacts, and its contribution to system economy and reliability compared to other alternatives. ORS further has had the opportunity to review and conduct discovery on the pre-filed direct, rebuttal and surrebuttal testimony of the parties.

At the hearing, ORS Witness Seaman-Huynh testified that ORS had concluded that the Project may result in minimal, if any, impact on the environment, and ORS Witness Skipper testified that the Project may serve the interests of system economy and reliability. Tr. 1085.17:5-8. Accordingly, based on ORS's review of the Application, the testimony and exhibits of DESC and Santee Cooper's witnesses, information gathered from data requests and otherwise, ORS's witnesses affirmed that ORS does not object to the Commission granting the Joint Applicants a Certificate for the Project. Tr. 1085.17:5-8; 1088:1-7.

ORS Witness Skipper testified that ORS made recommendations for the Joint Applicants. Tr. 1085.17:9-11. He testified that "ORS recommends the Joint Applicants provide quarterly updates to the Commission and ORS on the status of the Mississippi Crossing, South System Expansion 4, and Elba Express Bridge Project including progress in permitting, development, construction and operation." Tr. 1085.17:11-14.

VI. CONCLUSIONS OF LAW

Based upon the Application, testimony, and exhibits presented in this Docket, as well as the discussion set forth herein and the record of the instant proceeding, the Commission makes the following Conclusions of Law:

1. The Commission has jurisdiction over the construction of major utility facilities in South Carolina pursuant to S.C. Code Ann. section 58-33-10 through -430 and S.C. Code Ann. Regs. 103-304.

2. The Joint Applicants are properly before the Commission based upon their Application for a Certificate to construct and operate the Canadys Joint Resource pursuant to S.C. Code Ann. section 58-33-110 and S.C. Code Ann. Regs. 103-304.

3. The Joint Applicants are required to seek Commission approval before constructing a "major utility facility" as defined by S.C. Code Ann. section 58-33-20(2).

4. For purposes of the Siting Act, the Project constitutes a "major utility facility" as it is designed to have a generating capacity of approximately 2,180 MW, which is greater than 75 MW. S.C. Code Ann. § 58-33-20(2)(a).

5. The Application for the Project meets the requirements of the Siting Act as set forth in S.C. Code Ann. section 58-33-120.

6. The Joint Applicants have demonstrated that the Project meets the requirements of the Siting Act for a Certificate as set forth in S.C. Code Ann. sections 58-33-110(8)(a) and 58-33-160(1).

7. Santee Cooper has demonstrated that the Project meets the Siting Act's requirements for a Certificate as set forth in S.C. Code Ann. section 58-33-180.

8. Consistent with S.C. Code Ann. sections 58-33-160(1)(a), (d), and (f), the Joint Applicants have demonstrated the basis of the need for the Project; that the Project will serve the interests of system economy and reliability considering reasonable available alternatives and their associated costs, risks, and operating attributes; and that the Project is required by public convenience and necessity.

9. The Joint Applicants demonstrated that the Project has been compared to other generation options in terms of cost, reliability, schedule constraints, fuel cost and availability, transmission constraints and costs, ancillary services capabilities, and current and reasonably expected future environmental costs and restrictions, in accordance with S.C. Code Ann. section 58-33-110(8)(a).

10. Santee Cooper has demonstrated that the Project is a more cost-effective means for serving customers than other feasibly available long-term power supply alternatives and provides less ratepayer risk while maintaining safe and reliable electric service than other feasibly available long-term power supply alternatives, as contemplated by S.C. Code Ann. section 58-33-180(A)(1).

11. Santee Cooper has demonstrated that energy efficiency measures, demand-side management, renewable energy resource generation, and available long-term power supply alternatives (or any combination thereof) would not establish or maintain a more cost-effective and reliable generation system and the construction and operation of the Project is in the public interest, as contemplated by S.C. Code Ann. section 58-33-180(A)(2).

12. The Joint Applicants and ORS have presented evidence that the Project's probable environmental impact is not significant and is justified considering the state of available technology, and the nature and economics of the various alternatives and other pertinent considerations, as contemplated by S.C. Code Ann. sections 58-33-160(1)(b) and (c).

13. The Joint Applicants have demonstrated that there is a reasonable assurance that the Project will conform to applicable state and local laws and regulations, as contemplated by S.C. Code Ann. section 58-33-160(1)(e).

14. DESC has set forth adequate rationale, for the purposes of construction and operation of the Project, to lease a fifty percent (50%) undivided interest in the portions of the Site containing jointly owned equipment and facilities to Santee Cooper in accordance with the form of the lease agreement included as Hearing Exhibit No. 5 (ARW-2).

15. The Application is approved subject to the Applicants obtaining all required federal, state, and local permits, consultations and certifications.

VII. ORDERING PROVISIONS

IT IS THEREFORE ORDERED THAT:

1. The Application is approved, and a Certificate is granted to the Joint Applicants for the operation and construction of the Canadys Joint Resource, subject to the Joint Applicants obtaining all required federal, state, and local permits, consultations and certifications.

2. DESC's request to lease a fifty percent undivided interest in the portions of the site containing jointly owned equipment and facilities to Santee Cooper is approved, in accordance with the form of the lease agreement included as Hearing Exhibit No. 5 (ARW-2).

3. The Joint Applicants shall follow all applicable Commission, state, and local regulations and laws arising from this matter and concerning the construction, operation, and maintenance of the Canadys Joint Resource.

4. The Joint Applicants shall provide quarterly updates, including progress in permitting, development, construction and operation, to the Commission and ORS on:

- The construction of the Canadys Joint Resource.
- The completion of the Canadys Joint Resource.
- The status of the Mississippi Crossing, South System Expansion.
- The Elba Express Bridge Project.

The quarterly updates will be filed with the Commission and the Office Of Regulatory Staff beginning with the third quarter of calendar year 2026. The obligation under this ordering paragraph will continue until each of the respective FERC-regulated natural gas pipeline expansion projects and the Canadys Joint Resource achieve commercial in-service status. The quarterly updates shall include a financial reporting component to provide a cumulative total of the actual dollars spent as compared to the estimate given in the record of this proceeding.

5. The Joint Applicants shall notify the Commission and ORS regarding any changes or delays to the planned commercial operation date and the date of commercial operation within ten days thereof.

6. The Joint Applicants shall file a final update with the Commission and the ORS on the completion of the Project, and date of full commercial operation within ten days thereof.

7. Any other relief requested in this proceeding that is not specifically granted herein is denied.

8. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Delton W. Powers, Jr., Chairman
Public Service Commission
of South Carolina

RECEIVED
Sep 01 2026
S.C. SUPREME COURT

EXHIBIT B
Order No. 2026-464

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2025-323-E – ORDER NO. 2026-464

AUGUST 13, 2026

IN RE: Joint Application of South Carolina Public Service Authority (Santee Cooper) and Dominion Energy South Carolina, Inc. for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of an Advanced Class Combined Cycle Generating Plant and Associated Facilities in Colleton County, South Carolina, Pursuant to S.C. Code Ann. § 58-33-10 et seq.	)	ORDER DENYING INTERVENOR CAROLINAS GAS TRANSMISSION, LLC'S MOTION TO RECONSIDER AND INTERVENORS JOHN M. BURBAGE AND LAUREN V. MOODY STANFILL'S MOTION FOR RECONSIDERATION

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) upon the Motion to Reconsider filed by Intervenor Carolinas Gas Transmission, LLC (CGT) and the Motion for Reconsideration filed by Intervenors John M. Burbage (Burbage) and Lauren V. Moody Stanfill (Stanfill), all Intervenors in the Joint Application (Application) of South Carolina Public Service Authority (Santee Cooper) and Dominion Energy South Carolina, Inc. (DESC or the Company) (collectively, Joint Applicants) for a Certificate of Environmental Compatibility and Public Convenience and Necessity (Certificate) for the Construction and Operation of an Advanced Class Combined

Cycle Generating Plant and Associated Facilities (Canadys Project or Project) in Colleton County, South Carolina. CGT's Motion to Reconsider (CGT Motion) requested that the Commission reconsider Order No. 2026-350 (Order), for the purpose of (1) correcting a factual error in the procedural history, and (2) clarifying the filing and update requirements. Intervenors Burbage and Stanfill's Motion for Reconsideration (Burbage/Stanfill Motion) sought Commission reconsideration because they allege the Order contains errors of law regarding the Commission's duty under the South Carolina Utility Facility Siting and Environmental Protection Act (Siting Act) to consider environmental impact. For the reasons set forth below, the Commission denies CGT's Motion and the Burbage/Stanfill Motion.

II. PROCEDURAL HISTORY

A. Filings

The procedural history leading up to the CGT Motion and Burbage/Stanfill Motion is detailed in the Order. *See* Order at 2-12. In sum, the Joint Applicants filed the Application and six Exhibits with the Commission on December 15, 2025. Order at 3.

Pursuant to S.C. Code Ann. section 58-33-140, parties to this proceeding include the Joint Applicants, the Office of Regulatory Staff (ORS),[1] the South Carolina Department of Environmental Services (DES), the South Carolina Department of Natural Resources (DNR), and the South Carolina Department of Parks, Recreation & Tourism (PRT), and municipalities and other state agencies charged with protecting the environment or planning land use in Colleton County. Order at 5. Multiple entities and individuals filed

[1] ORS is a party of record in all filings or proceedings before the Commission. S.C. Code Ann. § 58-4-10(B) (Supp. 2025)

petitions to intervene in the Docket, all of which were granted, including CGT, Burbage and Stanfill. *Id.* at 5-6.

B. Hearing

The Commission commenced the hearing in this matter on March 12, 2026, to receive appearances from counsel and to address preliminary procedural matters. Order at 11. The Commission reconvened on April 14, 2026, to receive testimony and evidence concerning the Application. CGT and Mr. Burbage appeared and were represented by counsel. *Id.* at 11-12. Ms. Stanfill did not appear at the hearing; however, her pre-filed Direct Testimony was submitted into the record. *Id.* at 12.

C. Order No. 2026-350

On June 12, 2026, the Commission issued Order No. 2026-350, granting a Certificate to the Joint Applicants for construction and operation of the Canadys Project. With regard to the environmental impact of the Canadys Project, the Order determined:

- "The Project is not anticipated to have any significant adverse impacts to land use, soil, wetlands/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, or aviation. The probable environmental impact associated with the construction and operation of the Project as proposed by the Joint Applicants is minimal in accordance with S.C. Code Ann. section 58-33-160(1)(b)." Order at 18.
- "The environmental impact of the Project is justified, considering the state of available technology and the nature and economics of various alternatives and other pertinent considerations, in accordance with S.C. Code Ann. section 58-33-160(1)(c)." *Id.*
- "The Joint Applicants have provided reasonable assurance that the Project will conform to applicable state and local laws and regulations, in accordance with S.C. Code Ann. section 58-33-160(1)(e)." *Id.*

In support of these holdings, the Order discussed – at length – evidence about the nature of the Project's environmental impact (including the Environmental Report and witness testimony), the justification of that impact, and the Joint Applicants' reasonable assurance that the Project would comply with applicable environmental laws and regulations, including DES Permits. *Id.* at 41-45.

Additionally, the Order conditioned the Commission's granting of the Certificate on the Joint Applicants: (1) "obtaining all required federal, state, and local permits, consultations and certifications," and (2) following all applicable Commission, state, and local regulations and laws arising from this matter and concerning the construction, operation, and maintenance of the Canadys Project. *Id.* at 60.

The Order also requires the Joint Applicants to: (a) provide quarterly updates to the Commission and ORS about the construction of the Project, the completion of the Project, and the status of the Mississippi Crossing, South System Expansion and the Elba Express Bridge Project; (b) notify the Commission and ORS regarding any changes or delays to the planned commercial operation date of the Project and the date of commercial operation within ten days thereof; and (c) file a final update with the Commission and the ORS on the completion of the Project, and date of full commercial operation within ten days thereof (collectively, Required Notices about Project). Order at 61.

III. MOTIONS FOR RECONSIDERATION

A. Intervenor CGT

CGT requested the Commission to reconsider its Order. The CGT Motion is limited in scope, sought only for the Commission to: (a) correct an alleged factual error in the Order at 5, footnote 7 (Footnote) and (b) clarify the Order's filing/update requirements set forth in Section VII, Ordering Provisions, paras. 4 through 6. CGT Motion at 1.

The Footnote in question stated:

> The Joint Applicants initially opposed CGT's Petition to Intervene in the Docket. CGT's Petition to Intervene stated that CGT sought to intervene based on its interest in providing the firm natural gas transportation service to the Project, but that through an [Request for Proposal] RFP process, the Joint Applicants had awarded such service to a CGT competitor, Kinder Morgan. The Joint Applicants argued that CGT lacked standing or good cause to intervene in this Docket and that FERC has exclusive jurisdiction over any issues raised by CGT regarding natural gas transportation service to the Project. *See* Joint Applicants' Response in Opp. to CGT's Petition to Intervene. The Commission scheduled oral argument on CGT's Petition to Intervene for February 4, 2026. Prior to the oral argument, the Joint Applicants and CGT agreed to a stipulation for the Commission's review (Stipulation). Pursuant to the Stipulation, the Joint Applicants agreed to withdraw their opposition to CGT's Petition to Intervene, and CGT and the Joint Applicants agreed to limit their respective testimony, discovery requests, and cross-examination at the hearing to certain items as enumerated in the Stipulation. By Order No. 2026-128, the Commission adopted the Stipulation and granted CGT's Petition to Intervene subject to the terms of the Stipulation.

Order No. 2026-350 at 5, n.7 (Emphasis added).

CGT urged the Commission to "correct" the Footnote, alleging the portion of the Footnote underlined above "is completely, unequivocally false" because CGT's intervention was not driven by its interest in the firm natural gas transportation service to the Project. CGT Motion at 2. Rather, according to CGT, it "sought to intervene for three reasons: (i) CGT is a longstanding participant in the natural gas market in South Carolina and had a need to understand how natural gas supply for the Project would affect the operations of that market (CGT's Petition, paras. 4, 5, and 7); (ii) CGT is an electricity customer of Dominion and would be affected by any impact of the Project on Dominion's future rates (CGT's Petition, para. 6); and (iii) CGT owns operational assets in close proximity to the Project and has a need to understand how construction of the Project might affect CGT's assets and how those assets would be protected (CGT's Petition, para. 6)." CGT Motion at 2-3.

The Order's filing/update requirements set forth in Section VII, Ordering Provisions, paras. 4-6 require the Joint Applicants to provide the Required Notices about the Project to the Commission and ORS. Order No. 2026-350 at 61. CGT requested the Commission revise the Order to require the Joint Applicants to "serve" "each participant in this Docket" with the Required Notices about the Project. CGT Motion at 3.

B. Intervenors Burbage and Stanfill

Intervenors Burbage and Stanfill also requested the Commission reconsider the Order, alleging the "the Commission failed to consider any evidence of the Project's effects on the natural environment and public health," and the Order was thus arbitrary, capricious, and contrary to the Siting Act. Burbage/Stanfill Motion at 1-2.

In particular, Burbage and Stanfill contended the Commission "granted a Certificate without having considered any evidence of impacts on water quality, air quality, or public health," and "[i]nstead … relied upon conclusory testimony unsupported by evidence, deferring analysis of probable environmental impacts to other agencies that will make permitting decisions in the future." Burbage/Stanfill Motion at 3. They also alleged the Commission erred in not evaluating environmental consequences associated with the natural gas pipeline that would supply the Project. *Id.* at 5.

C. Joint Applicants' Response

Response to CGT Motion

The Joint Applicants filed a Response in Opposition to Intervenor Carolina Gas Transmission, LLC's Petition [Motion][2] for Limited Reconsideration of Order Granting CECPCN (Response to Motion) on July 13, 2026. The Joint Applicants asserted that the CGT Motion is limited in its scope. Response to Motion at 1, para. 2. Specifically, according to the Joint Applicants, CGT requested that the Commission: "(a) correct an alleged factual error in the Order at page 5, footnote 7 ("Footnote") and (b) clarify the Order's filing/update requirements set forth in Section VII, Ordering Provisions, ¶¶ 4 through 6." *Id.*; CGT Motion at 1.

Joint Applicants also asserted that CGT's request that the Commission clarify the filing/update requirement as set forth in the Ordering Paragraphs was unnecessary. Response to Motion at 4, para. 8. The Joint Applicants argued that there is no need to revise the Order to require service of the filings/updates on each participant in the Docket because upon filing of those Notices via the Commission's Docket Management System (DMS), all parties to the Docket will automatically receive copies of the required filings/updates on the Project. Response to Motion at 4, paras. 9-10. As such, the Joint Applicants asserted, it is unnecessary to adopt CGT's proposed clarification. *Id.*, para. 10.

[2] Joint Applicants styled their Response as being to CGT's "Petition". Because CGT filed a Motion to Reconsider, this Order will refer to it as Motion.

Response to Burbage/Stanfill Motion

The Joint Applicants filed a Response in Opposition to Intervenors Burbage and Stanfill's Petition [Motion][3] for Reconsideration of Order Granting CECPCN (Response to Motion) on July 13, 2026. Joint Applicants argued that the Burbage/Stanfill Motion's asserted that the Commission erred by not considering environmental impacts of the proposed Canadys Project as required by the Siting Act was meritless. Response to Motion at 1. Joint Applicants asserted that the Commission should deny the Burbage/Stanfill Motion as the Order complies with the requirements of the Siting Act, is justified by a preponderance of the evidence, and there is no error which supports reconsideration. *Id.*

IV. APPLICABLE LAW AND DISCUSSION

A. Standard of Review

S.C. Code Ann. Reg. 103-825(A)(4) requires petitions for reconsideration to set forth clearly and concisely: (a) the factual and legal issues forming the basis for the petition; (b) the alleged error or errors in the Commission order; and (c) the statutory provision or other authority upon which the petition is based. S.C. Code Ann. Regs. 103-825(A)(4) (2012).

The purpose of a Petition for Rehearing or Reconsideration is to allow the Commission to identify and correct specific errors and/or omissions in its orders. *In Re: Dominion Energy S.C., Inc's Ann. Update on Nat. Gas Energy Efficiency Programs & Petition to Update Gas DSM Rider*, Order No. 2024-138, p. 6, Docket No. 2023-243-G (Feb. 22, 2024) (citations omitted). Petitions for Rehearing or Reconsideration are not

[3] Joint Applicants styled their Response as being to Burbage and Stanfill's "Petition". Because Burbage and Stanfill filed a Motion for Reconsideration, this Order will refer to it as Motion.

mechanisms for parties dissatisfied with the outcome to simply relitigate the case absent error by the Commission. *See Id.* (citations omitted).

The burden to reverse an order of the Commission through rehearing is *high* and must rest upon "error." Furthermore, the Commission has found that "[c]onclusory statements and general and non-specific allegations of error" are insufficient to warrant granting a petition for rehearing or reconsideration. *Friends of the Earth and Sierra Club*, Docket No. 2017-207-E, Order No. 2019-122 at 3; *see also In re S.C. Pipeline Co.*, Docket No. 2003-6-G, Order No. 2003-641 at 6.

B. Siting Act Requirements

1. Siting Act Requirements Regarding the Nature of a Major Utility Facility's Probable Environmental Impact

The Siting Act provides that "[n]o person shall commence to construct a major utility facility without first having obtained a certificate issued with respect to such facility by the commission." S.C. Code Ann. § 58-33-110(1) (Supp. 2025).

An application for a Certificate, pursuant to the Siting Act, requires the applicant to provide the Commission with "a summary of any studies which have been made by or for applicant of the environmental impact of the facility." S.C. Code Ann. § 58-33-120(1)(b) (Supp. 2025). However, Section 58-33-120 does not identify specific studies which are required. The Siting Act also requires that the Commission grant a Certificate if it determines that the applicant, among other things, has demonstrated:

> (b) The nature of the probable environmental impact.
> (c) That the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.
> (e) That there is reasonable assurance that the proposed facility will conform to applicable state and local laws and regulations… .

S.C. Code Ann. § 58-33-160(1)(b)-(c), and (d) (Supp. 2025).

2. Environmental State Agency Involvement in Certificate Proceeding

The Siting Act provides that several State agencies, other than ORS, are automatic parties of record to certification proceedings. S.C. Code Ann. section 58-33-140(1)(b) specifies those agencies as the South Carolina Department of Environmental Services (DES), the South Carolina Department of Natural Resources (DNR), and the South Carolina Department of Parks, Recreation, and Tourism (PRT). It further recognizes that State agencies can impose their own "conditions" on the construction, operation, or maintenance of the major utility facility pursuant to applicable "statutes, rules, [or] regulations." S.C. Code Ann. § 58-33-160(1).

State agencies, like DES, "conduct their own independent reviews" as environmental regulators of an application for a Certificate, and they are "the agencies to truly review and conduct analysis and make recommendations regarding the environmental aspects of the project." Tr. 1097:1-5; Tr. 1098:5-6; *see also* Tr. 1109:14-17 (Agreeing that DES has to "check the box too, not just the Commission.") With regard to DES, the agency is responsible for "environmental issues[, including] air, water, wastewater, stormwater runoff, erosion."[4] Tr. 1111:7-13; Tr. 1112:12-14.

With regard to the Canadys Project, DES, PRT, and DNR – despite having the opportunity to do so – never raised any environmental concerns to the Commission or ORS about the Project or suggested the imposition of any conditions on the Certificate for the

[4] Tr. 1114:8-11 (Noting that DES is the administrator for EPA in South Carolina).

construction, operation, or maintenance of the Project. Tr. 1089.8:9-13 (ORS Witness Seaman-Huynh testifying ORS discussed the Project with these State agencies and none of them informed ORS of any concerns about the Project).

3. Parallel State Permitting Processes

In addition to a Certificate, a utility must obtain the applicable federal and state permits for the Project to proceed. Tr. 1115:17-23. The application process for the Certificate and the DES permits is separate but often occur parallel to each other and as part of a "multistep process." Tr. 1115:24-1116:5 (Noting the "Joint Applicants have multiple steps with other agencies.")

With regard to the Canadys Project, the Joint Applicants must obtain permits from DES that include a Prevention of Significant Deterioration Air Permit, a Title V Air Permit, and groundwater withdrawal, surface water withdrawal, and wastewater discharge permits (collectively, DES Permits).[5] *See* Application, Exhibit B (Environmental Report), at Table 4.0-1 (Permitting Matrix); Tr. 669.38-669.44 (DESC Witness Walker testifying about required permits for the Canadys Project). At the time of the hearing, the Joint Applicants had begun the process for many of the DES Permits. According to DESC Witness Walker, as part of that process, the Joint Applicants submitted a groundwater modeling report to DES, which "indicates that through the use of deep groundwater wells for this facility, that the groundwater resources surrounding Canadys Station and in the state will not be adversely impacted by the [Project's] use of water." Tr. 739:11-22. Additionally, Witness Walker testified that "[t]he area around Canadys Station is in attainment with the National

[5] According to DESC Witness Walker, the DES permitting process allows third parties, such as Intervenors Burbage and Stanfill, to participate. Tr. 738:4-7.

Ambient Air Quality Standards, and the facility will not be allowed under the permit issued by []DES to degrade attainment with those Ambient Air Quality Standards." Tr. 737:13-18.

C. Discussion

1. Burbage/Stanfill Motion for Reconsideration

The Commission's Order demonstrates extensive consideration of the testimony and evidence addressing the nature of the Project's probable environmental impacts. The Burbage/Stanfill Motion overlooks this, and the Motion's premise that the Commission did not consider "any evidence of the Project's effects on the natural environment and public health," such as impacts on water and air quality," is without merit. Burbage/Stanfill Motion at 1, 3. As explained below, the Commission denies the Burbage/Stanfill Motion, finding the Order complies with the requirements detailed in S.C. Code Ann. section 58-33-160 and is supported by the greater weight and preponderance of the evidence in the record. The record in this Docket is sufficient to allow reasonable minds to reach the same conclusion as the Commission. The Burbage/Stanfill Motion is insufficient to warrant granting reconsideration.

The Siting Act requires the Commission to grant a Certificate if it finds and determines the applicant has shown the "nature of the probable environmental impact" of the proposed major utility facility, that such impact on the environment is "justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations," and there is "reasonable assurance that the proposed facility will conform to applicable state and local laws and regulations issued thereunder." S.C. Code Ann. § 58-33-160(1)(b)-(c), (e). The Siting Act does not define "probable environmental impact" or enumerate required elements for the Commission to consider in evaluating a proposed facility's probable environmental impact. However, by directing the Commission to analyze the "nature" of the probable environmental impact, the Siting Act focuses on a general assessment by the Commission of the character and type of the proposed facility's environmental impact (rather than an exhaustive, expert-level type of analysis).

Order No. 2026-350 is compliant with each of the Siting Act requirements and demonstrates the Commission's consideration of evidence about the nature of the Project's probable environmental impact and determinations, based upon the preponderance of that evidence, that such impact is minimal and justified.

The Commission's Consideration of Evidence about the Nature of the Project's Probable Environmental Impact.

In compliance with S.C. Code Ann. section 58-33-160, the Commission's Order considered substantial evidence about the nature of the Project's probable environmental impact.

The Order recognizes the environmental benefits of the Project's use of a brownfield site (formerly home to a DESC coal plant). *See generally* S.C. Code Ann. § 58-37-110 (Recognizing that "brownfield electrical generation projects are crucial to the welfare of the State"). The Order cites to DESC Witness Bass' testimony that such benefits include preservation of undeveloped, alternative greenfield sites, minimization of disruption to natural ecosystems, and minimization of routing and development of new greenfield utility lines and substations. Order at 42, *citing* Tr. 692:18-693:5; Tr. 696.6:11-696.7:4.

Over the course of five pages, the Order summarizes the testimony about and the findings of the Environmental Report, a 66-page document with appendices and tables, submitted by the Joint Applicants, which details various studies, evaluations, and conclusions about the nature of the probable environmental impact of the Canadys Joint Resource. Order at 42-45. The studies included a jurisdictional waters delineation (i.e., streams and wetlands), a threatened and endangered species assessment, and assessments regarding cultural and visual resources and land use. *Id.* at 42, *citing* Tr. 696.7:9-15. As explained in the Environmental Report and in Witness Bass' testimony about the Report, these studies concluded that the Canadys Project is not expected to have significant adverse impacts to land use, soil, wetland/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, air quality, noise, or aviation. *Id.* at 42, *citing* Tr. 696.15:10-13. For instance:

- With regard to jurisdictional wetlands, the Environmental Report identified very few delineated wetlands near the Project's brownfield site and preliminary site layout plans for the Project indicate that no loss of wetlands or stream channel will occur. Order at 42, citing Tr. 696.8:6-10. Witness Bass testified that the Joint Applicants would conduct any limited clearing of trees within wetlands with shearing methods, they will not engage in grubbing or disturb root mats, and that they will use mats for any temporary access within wetlands to construct lines. *Id.* at 43, citing Tr. 696.8:6-11. The Environmental Report concluded that the Project is not anticipated to have any significant short- or long-term impacts to wetlands or streams. *Id.* at 42, citing Tr. 696.8:1-16.
- Witness Bass testified that the Environmental Report determined the Project is not anticipated to have significant effect on threatened or endangered species as no federally or state-listed species were identified on site. *Id.* 43, citing Tr. 696.17:10-11.
- With regard to cultural resources, Brockington and Associates, Inc. (Brockington) performed an architectural

and archaeological resources investigation about the Project that revealed no resources that meet the criteria for National Register of Historic Places listing. *Id.* at 43, citing Tr. 696.11:696.12:3. Brockington recommended no further management considerations for the Site. *Id.*

- Witness Bass testified that Project will have minimal impact to the community, land, or air, visual, and noise quality for a number of reasons, such as the fact that the Project will be located on a brownfield site with existing transmission and substation infrastructure; the Site is mostly already cleared; the design of the Canadys Project will utilize air cooling technology, which will significantly minimize (or even eliminate) vapor plumes; the Site is relatively flat and surrounded by large tracts of forested areas; and the proposed facility will be visible from only a minor portion of the surrounding area. Order at 43, citing Tr. 696.13:7-696.14:9. Witness Bass also noted that computer modeling suggests that only one nearby home may have potential views of the Project. *Id.* at 43, citing Tr. 696.14:10-11.

The Order notes ORS Witness Seaman-Huynh's testimony that, based on the information provided by the Joint Applicants, ORS "understands the [P]roject may result in minimal, if any, impact on the environment. Order at 45, *citing* Tr. 1088:1-3.

The Order recognizes that both Burbage and Stanfill raised concerns at the hearing regarding fine particulate matter exposure from the Canadys Project and whether the Project would impact nearby waters and public health. Order at 44, *citing* Tr. 1044:6-1045:11. These Intervenors introduced no expert testimony or admissible reports to support their concerns or to rebut the Environmental Report. As the Order reflects, their air and water pollution concerns are mitigated by:

- The Environmental Report's finding and Witness Bass' testimony that the Project is not anticipated to have any significant short- or long-term impacts to wetlands or streams, Order at 43;
- Testimony that the Project's technology will produce no sulfur emissions, heavy metal emissions, or ash production, *Id.* at 44;

- Testimony that "the design of the Canadys Project will utilize air cooling technology, which will significantly minimize (or even eliminate) vapor plumes," *Id.* at 43;
- Testimony that the Project will "comply with applicable air quality standards" and meet "Best Available Control Technology standards for air emissions in its design and permitting;" *Id.* at 44;
- Testimony that the Project will withdraw water from very deep aquifers, well below the location of typical residential wells in the area," *Id.* at 44-45; and
- The fact that ORS reached out to environmental agencies, including DES, about the Project and none of those agencies raised any issues with the Project. *Id.* at 45.

In explaining the nature of the Project's probable environmental impact, the Order highlights the reasonable assurance that the Project will comply with applicable "federal, state, and local environmental regulations and permits, including ones required by DES for air emissions, water, and wastewater." Order at 46-47. Although Burbage and Stanfill seem to characterize this consideration as the Commission's "deferring" to State agencies, the Siting Act mandates the same State agencies are parties to a Certificate proceeding and even permits those same applicable State agencies to seek to impose "conditions" on a Certificate. S.C. Code Ann. § 58-33-140(1)(b) (Supp. 2025) and § 58-33-160(1) (Supp. 2025). The Siting Act requires the Commission to find and determine that "there is reasonable assurance that the proposed facility will conform to applicable state and local laws and regulations issued thereunder," such as State agency regulations and DES Permits. The Commission's consideration of evidence about applicable DES Permits regarding air emissions, water, and wastewater was appropriate and relevant to the analysis of the nature of the Project's probable environmental impact.

The Order supports that the Commission fulfilled its obligation under S.C. Code Ann. section 58-33-160 to consider the nature of the probable environmental impact of the Project.

The Commission's Findings of Fact Regarding and Determination that the Minimal Nature of the Project's Probable Environmental Impact Is Justified.

To satisfy the requirements of S.C. Code Ann. section 58-33-160, the Order determined that the evidence – presented over the course of a three-day hearing – cumulatively demonstrates that "the Project is not anticipated to have any significant adverse impacts to land use, soil, wetlands/streams, flood zones, wildlife, protected species, cultural resources, visual resources, population centers, or aviation," and thus "the probable environmental impact associated with the construction and operation of the Project as proposed by the Joint Applicants is minimal." Order at 45; *See also Id.* at 18 (Finding of Fact Nos. 8-9). The Order concluded that such (minimal) impact is justified considering the state of available technology and the nature and economics of various alternatives and other pertinent considerations. *Id.* at 45.

By Conditioning the Certificate on the Joint Applicants' Obtaining of Applicable Permits and Requiring Compliance with Those Permits and Applicable State and Local Laws and Regulations, the Order Further Highlights the Commission's Consideration of the Nature of the Project's Probable Environmental Impact.

Obtaining applicable permits for and complying with the permits and applicable laws and regulations, impacts the nature of a major utility facility's probable environmental impact. The Commission's granting of the Certificate for the Canadys Project is conditioned on the Joint Applicants' "obtaining all required federal, state, and local permits, consultations and certifications" and requires the Joint Applicants to "follow all applicable Commission, state, and local regulations and laws arising from this matter and concerning the construction, operation, and maintenance of the Canadys Joint Resource." Order at 60, Conclusion of Law No. 3. Environmental permits applicable to the Project include the DES Permits, such as a Prevention of Significant Deterioration Air Permit, a Title V Air Permit, and groundwater withdrawal, surface water withdrawal, and wastewater discharge permits. *See* Application, Exhibit B (Environmental Report), at Table 4.0-1 (Permitting Matrix) and Tr. 669.38-669.44 (DESC Witness Walker's testimony about required permits for the Canadys Project).

By conditioning the Certificate on the Joint Applicants' obtaining of necessary environmental permits and requiring the Joint Applicants to comply with all applicable environmental laws and regulations, the Commission mandated the nature of the Project's probable environmental impact align with applicable State agencies' requirements, including those for air and water. The Commission finds that Burbage and Stanfill's allegation that the Commission failed to consider the Project's effects on the environment and public health is without merit.

The Siting Act Does Not Require the Commission to Determine the Nature of the Probable Environmental Impact of Proposed Pipeline Projects Outside Its Jurisdiction and for which an Applicant Does Not Seek a Certificate.

Neither this Docket nor the Order pertains to a proposed interstate natural gas pipeline. The Siting Act does not govern, and the Commission lacks jurisdiction over the pipeline. However, the Burbage/Stanfill Motion implies the Commission erred by not determining the probable environmental impact of a future Kinder Morgan interstate natural gas pipeline that will supply natural gas to the Canadys Project. Burbage/Stanfill Motion at 5. This assertion is baseless for several reasons.

First, the Joint Applicants have not sought a Certificate from the Commission for the siting of Kinder Morgan's proposed interstate natural gas pipeline. With regard to environmental impact, the Siting Act's language is clear – the Commission's obligation is to find and determine that "the applicant has shown" the "nature of the probable environmental impact" and that such "impact *of the facility* upon the environment is justified." S.C. Code Ann. § 58-33-160(1)(b)-(c) (Supp. 2025) (Emphasis added). The Act imposes no requirement on an applicant for a major utility facility to show the nature of the probable environmental impact of a *third party's* separate project that will supply natural gas to its proposed facility.

Second, the Siting Act does not impose a requirement on the Commission to evaluate the probable environmental impact of an interstate natural gas pipeline over which the Commission lacks any jurisdiction or authority. Pursuant to the Natural Gas Act (NGA), the Federal Energy Regulatory Commission (FERC) has exclusive authority to regulate interstate natural gas transportation, facilities, and practices affecting jurisdictional service. *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988). That exclusive federal regime "leaves no room either for direct state regulation," such as the Siting Act, over interstate pipelines. *N. Natural Gas Co. v. State Corp. Comm'n of KS*, 372 U.S. 84, 91 (1963); *Pub. Utils. Comm'n of State of Cal. v. FERC,* 900 F.2d 269, 273 (D.C. Cir. 1990). Thus, the Siting Act does not govern, and the Commission lacks authority or jurisdiction over, Kinder Morgan's proposed interstate natural gas pipeline. It is FERC that is the appropriate forum to assess that pipeline's environmental impact, not the Commission.

As a result, Burbage and Stanfill's contention that the Commission erred in not determining the nature of Kinder Morgan's proposed interstate natural gas pipeline's environmental impact is not supported and is not grounds for reconsideration of the Order.

2. CGT Motion to Reconsider

CGT's Motion seeks reconsideration by the Commission to: (1) correct an alleged error in the Order's procedural history and (2) to obtain clarification about whether CGT will receive notices the Joint Applicants file in the Docket. The Commission denies the Motion to Reconsider on the grounds that: (1) the alleged error in the Order's Procedural History is not material to the Commission's decision in the Docket, and (2) the requested clarification is unnecessary in that CGT will receive notices filed by the Joint Applicants in the Docket via DMS as a party to the Docket.

CGT's Motion first seeks for the Commission to "correct" an alleged factual error in the Footnote. CGT Motion at 1. As noted above, the Footnote, in relevant part, provides that CGT's Petition to Intervene stated that CGT sought to intervene based on its interest in providing the firm natural gas transportation service to the Project, but that through the RFP process, the Joint Applicants had awarded such service to a CGT competitor, Kinder Morgan. Order at 5, n.7. CGT argued the Footnote is "false" because it sought to intervene for reasons unrelated to the natural gas pipeline. This argument ignored that the pipeline – and the RFP process for it – is relevant to CGT's intervention in the Docket. The Joint Applicants and CGT agreed to a Stipulation, which the Commission adopted in Order No. 2026-128, provides that CGT will "limit its direct and rebuttal testimony, its discovery requests, and its cross examinations to:

a. Issues directly relevant to consideration of the Canadys Joint Resource under the South Carolina Siting Act, as amended by Act 41 of 2025;
b. Issues related to its physical assets at or in the immediate vicinity of the Canadys site;
c. Issues addressed in the Joint Application and supporting testimony relevant to the South Carolina Siting Act, as amended by Act 41 of 2025; **provided, however, that:**
    i. **CGT's direct and rebuttal testimony, discovery requests, and cross examinations will not address issues within the exclusive jurisdiction of FERC or the Joint Applicants' natural gas supplier RFP process, other than:**
        1. **those statements made in the Joint Application or supporting testimony that characterize the proposals that CGT submitted to the Joint Applicants' RFP.**

Stipulation, at 3-4 (Emphasis added). The Order's reference to CGT's interest in intervening in this Docket based on the RFP for the firm natural gas transportation service to the Project is reasonable and reflective of the Stipulation.

The Commission finds that, even if the Footnote is in error, it relates to background and procedural information. As such, the Footnote is immaterial to and not determinative of the Order's granting the Certificate to the Joint Applicants for the construction and operation of the Canadys Project. Such an alleged error alone does not warrant reconsideration of the Order. *See, e.g.,* 5 C.J.S. Appeal and Error § 987 ("An error which is merely abstract or academic will be disregarded").

The Commission also denies CGT's Motion to the extent CGT requests the Commission revise the Order to require the Joint Applicants to "serve" "each participant in this Docket" with the Required Notices about the Project. CGT Motion at 3. When the Joint Applicants provide the Commission with the Required Notices about the Project, they will do so by filing those Notices in the Docket via DMS. Parties to the Docket, like CGT, will automatically receive copies of the Required Notices about the Project through DMS.

As a result, it is unnecessary for the Commission revise the Order to adopt CGT's proposed clarification.

V. CONCLUSION

The Commission considered the Motion to Reconsider by CGT, the Motion for Reconsideration by Intervenors Burbage and Stanfill, the Response to CGT's Motion, the Response to the Burbage/Stanfill Motion and Order No. 2026-340. For the reasons outlined above, the Commission denies CGT's Motion to Reconsider and Burbage and Stanfill's Motion for Reconsideration.

VI. ORDERING PARAGRAPHS

1. CGT's Motion to Reconsider is hereby denied.

2. Burbage and Stanfill's Motion for Reconsideration is hereby denied.

BY ORDER OF THE COMMISSION:

H. David Britt, Vice Chairman
Public Service Commission
of South Carolina