

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge
Opinion No. 5062 (S.C. Ct of App. Filed December 12, 2012)
(Withdrawn, Substituted, and Refiled May 1, 2013)

RECEIVED

JUL 17 2014

Case No. 09-ALC-07-0377-CC

S.C. Supreme Court

Duke Energy Carolinas, LLCPetitioner,

v.

South Carolina Department of Health and Environmental
Control, South Carolina Attorney General, American Rivers, and
The South Carolina Coastal Conservation League. Respondents,

Of whom South Carolina Department of Health and Environmental
Control and American Rivers and The South Carolina Coastal
Conservation League are. Respondents.

CONSENT MOTION FOR STAY

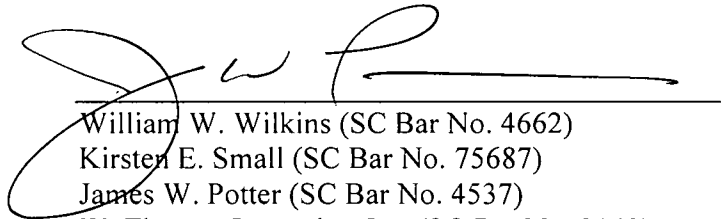
Pursuant to Rule 240, SCACR, Petitioner Duke Energy Carolinas, LLC (“Duke”), by and through his undersigned counsel and with the consent of the Respondents South Carolina Department of Health and Environmental Control, American Rivers, and The South Carolina Coastal Conservation League (“Respondents”) (collectively, Duke and Respondents hereinafter referred to as “Parties”), respectfully moves this Court for an order staying the Court’s consideration of and ruling on the Petition for Writ of Certiorari which was filed by Duke in this matter on June 28, 2013. The grounds for this motion are

as follows:

1. On July 11, 2014, the Parties entered into an agreement to settle this appeal (“Settlement Agreement”);
2. The Settlement Agreement requires the Parties each to satisfy certain obligations of the Settlement Agreement (“Parties’ Obligations”) prior to Duke’s dismissal of this appeal;
3. Pursuant to the Settlement Agreement, Duke is required to file a motion to dismiss this appeal within five (5) days of the performance of the Parties’ Obligations;
4. The requested stay would allow the Parties the opportunity to resolve this appeal in a manner which promotes judicial economy and avoids further litigation costs during the performance of the Parties’ Obligations under the Settlement Agreement.

WHEREFORE, Duke, with the consent of Respondents, respectfully requests an order staying this Court’s consideration of and ruling on Duke’s Petition for Writ of Certiorari.

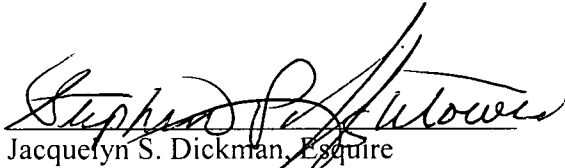
July 17, 2014



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Kirsten E. Small (SC Bar No. 75687)
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W. Thomas Lavender, Jr. (SC Bar No. 3143)
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*Attorneys for Petitioner Duke Energy
Carolinas, LLC*

WE CONSENT:



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Office of General Counsel
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and Environmental Control
2600 Bull Street
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(803) 898-3349

*Attorneys for Respondent South Carolina Department
of Health and Environmental Control*

WE CONSENT:

C. DeScherer by J. B. Holman, IV with permission July 17, 2014
Christopher K. DeScherer, Esquire
James Blanding Holman, IV, Esquire
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*Attorneys for Respondents American Rivers and
South Carolina Coastal Conservation League*

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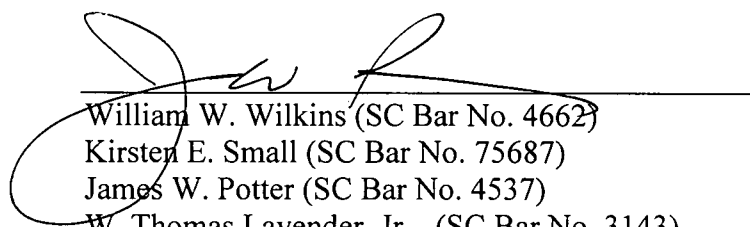
PROOF OF SERVICE

I certify that I have served the Respondent Duke Energy Carolinas, LLC's Consent Motion for Stay on counsel of record for Respondents by depositing a copy of it in the United States Mail, postage prepaid, on July 17, 2014, addressed to:

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July 17, 2014



A handwritten signature in black ink, appearing to read 'W. Wilkins', is written over a horizontal line. The signature is fluid and cursive, with the first name 'W.' being particularly prominent.

William W. Wilkins (SC Bar No. 4662)

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