

SOUTHERN ENVIRONMENTAL LAW CENTER

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July 23, 2014

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JUL 25 2014

SC Court of Appeals

Ms. V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: In The Matter of Joint Application of Duke Energy Carolinas
Appellate Case No. 2014-001514

Dear Ms. Allen:

This is in response to your letter dated July 16, 2014, in which you request that the Appellants Coastal Conservation League and the Southern Alliance for Clean Energy ("Appellants") provide the basis for the Court of Appeals' jurisdiction over this matter. We have provided that basis below. If we can provide any further information, please do not hesitate to let me know.

This is an appeal of a decision by the S.C. Public Service Commission ("PSC") to issue a Certificate of Environmental Compatibility and Public Convenience and Necessity ("CECPCN") for Duke Energy's proposed Lee Combined Cycle Natural Gas facility in Anderson County. Pursuant to SC Code Ann. § 58-27-2310 (2014), a party dissatisfied with an order of the PSC "may appeal to the Supreme Court or court of appeals as provided by statute and the South Carolina Appellate Court Rules." Likewise, the S.C. Administrative Law Court ("ALC") statute provides that "an appeal from a final order of the Public Service Commission" is "to the Supreme Court or the court of appeals as provided in the South Carolina Appellate Court Rules." SC Code § 1-23-600(D).

The South Carolina Appellate Court Rules specify that an appeal from a decision of the S.C. Public Service Commission ("PSC") setting "rates" shall be filed with the Clerk of the Supreme Court, but that "all other appeals from administrative tribunal shall be filed with the Clerk of the Court of Appeals" unless otherwise required by statute. Rule 203(d)(2)(A), SCACR. Since the instant matter does not concern a PSC decision concerning rates, and no statute provides otherwise, the appeal was required to be filed with the Court of Appeals.

In terms of timing, an appeal of an administrative decision must be filed within thirty (30) days of receipt of an agency's decision denying a request for rehearing except that, where that decision indicates a more complete decision will follow, a party "need not appeal until" receipt of the more complete decision. Rule 203(b)(6), SCACR.

Here, notice of the PSC's decision was received on June 4, 2014, and the appeal was filed July 3, 2014, within 30 days of receipt of the decision. While the Appellants understand that a more complete decision directive will be forthcoming from the PSC, the rules do not prohibit an appeal before that directive issues. That said we would consent to stay all applicable deadlines pending issuance of the PSC's more complete decision, should the Court and other parties so desire.

Thank you for attention to this matter and please do not hesitate to contact me if I can provide anything further.

Very truly yours,



J. Blanding Holman IV
SOUTHERN ENVIRONMENTAL LAW CENTER
Attorney for Appellants

cc: All Counsel of Record

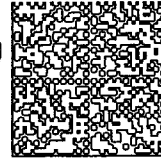



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