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July 25, 2014

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V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
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Columbia, South Carolina

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

Ms. Allen:


I am writing to respond for Duke Energy Carolinas to your letter of July 16, 2014 about the basis for the Court of Appeals jurisdiction over this appeal. We have reviewed the letter dated July 23, 2014 from Blan Holman of the Southern Environmental Law Center and we agree with his analysis of the jurisdictional question. This appeal is not from an order setting rates and therefore is not covered by the first sentence of SCACR Rule 203(d)(2) but is covered by the second sentence of that provision which requires appeals to be filed with the Court of Appeals.

We also agree with the suggestion in Mr. Holman's letter that this appeal be stayed while the Public Service Commission issues a full order ruling on the petition for reconsideration. An order from the Court staying the appeal would clarify any question that might arise under SCARC Rule 205 as to whether the Public Service Commission retains jurisdiction to issue that order.

Thank you for the opportunity to comment on these issues.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.


Frank R. Ellerbe, III

FRE/tch
Enclosures

cc: J. Blanding Holman, IV, Esquire
Christopher K. DeScherer, Esquire
Len S. Anthony, Esquire
Richard L. Whitt, Esquire
Jacquelyn S. Dickman, Esquire
Nanette S. Edwards, Deputy Executive Director, SC Office of Regulatory Staff
Shannon B. Hudson, Deputy Director, Legal Services, SC Office of Regulatory Staff
Timika Shafeek-Horton, Deputy General Counsel (via e-mail)

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