

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA

HEARING # 14-11400

JANUARY 7, 2014

10:00 A.M.

DOCKET NO. 2013-392-E:

DUKE ENERGY CAROLINAS and NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION - Application for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of a 750 MW Combined Generating Plant Near Anderson, South Carolina

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SC Court of Appeals

TRANSCRIPT OF
PROCEEDINGS

VOLUME 1 OF 2

COMMISSIONERS PRESENT: G. O'Neal HAMILTON, *CHAIRMAN*, Nikiya M. 'Nikki' HALL, *VICE CHAIRMAN*; and COMMISSIONERS John E. 'Butch' HOWARD, Elizabeth B. 'Lib' FLEMING, Swain E. WHITFIELD, AND Brent L. MCGEE

ADVISOR TO COMMISSION: F. David Butler, Esq.

STAFF: James Spearman, Ph.D., Executive Assistant to Commissioners; Tom Ellison and Lynn Ballentine, Advisory Staff; Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter; and Hope Adams, Hearing Room Assistants

APPEARANCES:

TIMIKA SHAFEEK-HORTON, ESQUIRE, representing DUKE ENERGY CAROLINAS, APPLICANT

LEN S. ANTHONY, ESQUIRE, representing the NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION, APPLICANT

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

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APPEARANCES (Cont'g) :

J. BLANDING HOLMAN, IV, ESQUIRE, representing the SOUTH CAROLINA COASTAL CONSERVATION LEAGUE and the SOUTHERN ALLIANCE FOR CLEAN ENERGY, INTERVENORS

RICHARD L. WHITT, ESQUIRE, representing INVENERGY THERMAL DEVELOPMENT, LLC, PETITIONER TO INTERVENE

NANETTE S. EDWARDS, ESQUIRE, and SHANNON BOWYER HUDSON, ESQUIRE, representing the SOUTH CAROLINA OFFICE OF REGULATORY STAFF

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P R O C E E D I N G S

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2 **CHAIRMAN HAMILTON:** Please be seated. I'd
3 like to welcome each of you here today. And at
4 this time I'll ask the attorney, Mr. Butler, if he
5 would please read the docket

6 **MR. BUTLER:** Yes, sir. Thank you, Mr.
7 Chairman and other members of the Commission.

8 This is Docket No. 2013-392-E. It's the joint
9 application of Duke Energy Carolinas, LLC, and
10 North Carolina Electric Membership Corporation for
11 a certificate of environmental compatibility and
12 public convenience and necessity for the
13 construction and operation of a 750-megawatt
14 combined generating plant near Anderson, South
15 Carolina.

16 In order to receive testimony and evidence
17 from all interested parties, a public hearing will
18 be held in the Commission's hearing room at Synergy
19 Business Park, 101 Executive Center Drive,
20 Columbia, South Carolina, beginning on Tuesday,
21 January 7, 2014, at 10 a.m.

22 Mr. Chairman and other members of the
23 Commission, the docket is in order.

24 **CHAIRMAN HAMILTON:** Thank you, Mr. Butler.

25 At this time, we'll take appearances. Who

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represents Duke Energy Carolinas, LLC?

MS. SHAFEEK-HORTON: Good morning, Mr. Chairman. Timika Shafeek-Horton for Duke Energy Carolinas.

CHAIRMAN HAMILTON: Happy to have you with us.

MS. SHAFEEK-HORTON: Thank you, sir.

CHAIRMAN HAMILTON: And North Carolina Electric Membership Co-op?

MR. ANTHONY: Good morning, Mr. Chairman, members of the Commission. I'm Len Anthony, representing the North Carolina Electric Membership Corporation.

CHAIRMAN HAMILTON: Thank you, very much, Mr. Anthony. Happy to have you.

And the Intervenors, Southern Alliance for Clean Energy and South Carolina Coastal Conservation League?

MR. HOLMAN: Mr. Chairman, members of the Commission, Blan Holman here on behalf of the Southern Alliance for Clean Energy and the Coastal Conservation League.

CHAIRMAN HAMILTON: Welcome, Mr. Holman. And Invenergy Thermal Development, LLC?

MR. WHITT: Mr. Chairman and other Commissioners, I'm Richard Whitt, from Austin &

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Rogers, here for Invenergy.

CHAIRMAN HAMILTON: Welcome, sir.

MR. WHITT: Thank you, sir.

CHAIRMAN HAMILTON: And South Carolina Department of Health & Environmental Control?

[No response]

South Carolina Department of Natural Resources?

[No response]

And the South Carolina Department of Parks, Recreation & Tourism?

[No response]

No-shows.

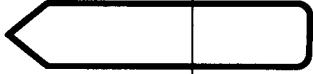
Office of Regulatory Staff.

MS. HUDSON: Good morning, Mr. Chairman, members of the Commission. I'm Shannon Bowyer Hudson. With me is Nanette Edwards. We're here on behalf of the Office of Regulatory Staff.

CHAIRMAN HAMILTON: Happy to have you ladies with us this morning.

As we move forward now, we have a motion before us for admission pro hac vice of Gudrun E. Thompson, representing Environmental Intervenors, and it has been granted.

Okay. And our next is the settlement



1 agreement?

2 MS. SHAFEEK-HORTON: Thank you, Mr. Chairman.
3 The South Carolina Office of Regulatory Staff and
4 Duke Energy Carolinas, as well as NCEMC, have
5 entered into a settlement agreement, and we would
6 move for its admission into the record at this
7 time.

8 The provisions of the settlement agreement:
9 The parties have agreed to stipulate into the
10 record, at the appropriate time, the testimony and
11 exhibits of the witnesses of the parties.

12 Additionally, as outlined in Section 2 of the
13 settlement agreement, the parties have agreed that
14 the Applicants have submitted all of the
15 information needed to satisfy the applicable
16 statute.

17 And, finally, I would just point out that the
18 Applicant Duke Energy Carolinas has agreed in
19 Section 7 and has stated that construction of this
20 project will not affect DEC's plans regarding the
21 acquisition of an interest in the V.C. Summer
22 project that is currently being constructed.

23 And those are the most significant provisions
24 of the agreement, and we would move for its
25 admission at this time.

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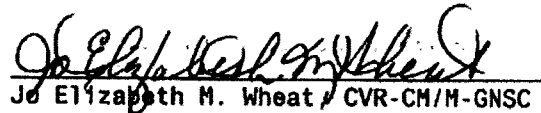
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C E R T I F I C A T E

I, Jo Elizabeth M. Wheat, CVR-CM-GNSC, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing is, to the best of my skill and ability, a true and correct transcript of all the proceedings had in a hearing [Volume 1] held in the above-captioned matter before the PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA;

IN WITNESS WHEREOF, I have hereunto set my hand and seal, on this the 22nd day of February, 2014.


Jo Elizabeth M. Wheat, CVR-CM/M-GNSC
Hearings Reporter, PSC/SC
My Commission Expires: January 27, 2021.

SOUTHERN ENVIRONMENTAL LAW CENTER

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CHAPEL HILL, NC 27516-2356

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September 22, 2014

Jenny Abbott Kitchings, 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

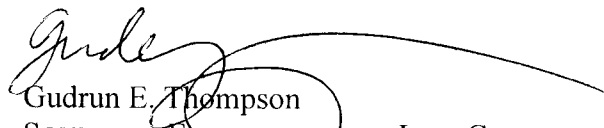
Dear Ms. Kitchings:

Appellate Case No. 2014-001514 was appealed from the Public Service Commission of South Carolina ("PSC"), Docket No. 2013-392-E. The undersigned filed a Motion for Admission and a Verified Application for Admission *Pro Hac Vice* ("Motion") to appear before the Commission in the PSC proceeding. The Commission granted the Motion during a hearing held on January 7, 2014. No written order was entered; however, a transcript of the proceedings was prepared by the PSC Clerk.

Pursuant to Rule 404(c) of the South Carolina Appellate Court Rules, this letter is to notify the Court of my continued appearance in Appellate Case No. 2014-001514. J. Blanding Holman, IV of the Southern Environmental Law Center is the South Carolina attorney of record. Mr. Holman's SC Bar Number is 72260. Mr. Holman's address is 43 Broad Street, Suite 300, Charleston, SC 29401. Further, in the absence of a written order, I am submitting the relevant pages from the official Transcript of the Proceedings before the PSC where the motion for admission was granted. PSC Chairman G. O'Neal Hamilton granted the Motion on page 6 of the attached transcript.

If I can answer any questions, please do not hesitate to contact me.

Sincerely,


Gudrun E. Thompson
SOUTHERN ENVIRONMENTAL LAW CENTER
Attorney for Appellants

GT/rgd
Enclosures

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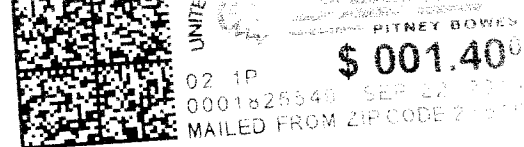
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Cc: J. Blanding, Holman, IV
Len S. Anthony
Richard L. Whitt
Timika Shafeek-Horton
Frank R. Ellerbe, III
Nanette S. Edwards
Shannon B. Hudson
Jeffrey M. Nelson
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