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OCT 07 2014

THE SUPREME COURT of SOUTH CAROLINA
APPEAL FROM
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA.
Docket No. 2014-187-E

S.C. SUPREME COURT

Joseph Edward Wojcicki - the advocate for SCANA/SCE&G scandal victims.
Appellant,

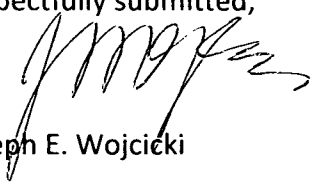
V.

South Carolina Electric and Gas, South Carolina Office
Of Regulatory Staff /Public Service Commission,
Respondents.

NOTICE of APPEAL

I, Joseph Edward Wojcicki - the advocate for millions of victims of SCANA (NYSE:SCG) / SCE&G who are being illegally overcharged by electric kWh rates using false claimed assumption of S.C. Base Load Review Act (FCA of BLRA), do appeal Order No. 2014-785 dated September 30, 2014 as well as entire process of denying my interventions in above matter/case with last Directive/Order No. 2014-764 received September 24, 2014. Please note that this case is an exceptional/extraordinary in its financial multibillion burden put on victims but very similar to infamous corporate scandals: Enron (NYSE:ENE -2001) and Dynegy (NYSE:DYN-2012)

Respectfully submitted,



Joseph E. Wojcicki
820 East Steele Rd

West Columbia, SC 29170

Tuesday, October 7, 2014

Copies are sent via email to

1. SCE&G
2. ORS
3. PSC

Enclosed is Motion for Service by Publication to reach victims that are blocked from information of existence of 300% proof of FCA of BLRA.

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>September 17, 2014</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2008-196-E/2014-187-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2014-764</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2008-196-E - Combined Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity and for a Base Load Review Order for the Construction and Operation of a Nuclear Facility in Jenkinsville, South Carolina;
-and-

DOCKET NO. 2014-187-E - Application of South Carolina Electric & Gas Company for Approval to Revise Rates under the Base Load Review Act - Discuss with the Commission Various Matters Filed by Joseph E. Wojcicki.

COMMISSION ACTION:

Mr. Wojcicki has filed a petition apparently seeking reconsideration of Commission Order No. 2014-733 in Dockets 2014-187-E and attempting to re-litigate certain issues in Docket No. 2008-196-E concerning the Base Load Review Act. Order No. 2014-733 denied Mr. Wojcicki's Petition to Intervene. I move that we also deny his second attempt to become a party in this matter as it is untimely under S.C. Code Ann. § 58-33-285(A). Mr. Wojcicki's comments dated June 23, 2014, are included in the record of Docket No. 2014-187-E. Further, I move that the Commission disregard Mr. Wojcicki's arguments concerning matters previously litigated and long decided in Docket No. 2008-196-E. Accordingly, I move that the Petition be denied in its entirety.

PRESIDING: HallSESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding



BEFORE

RECEIVED

THE PUBLIC SERVICE COMMISSION OF

OCT 07 2014

SOUTH CAROLINA

S.C. SUPREME COURT

DOCKET NO. 2014-187-E - ORDER NO. 2014-785

SEPTEMBER 30, 2014

IN RE: Application of South Carolina Electric & Gas Company for Approval to Revise Rates under the Base Load Review Act) ORDER GRANTING) REQUEST FOR) APPROVAL OF REVISED) RATES

INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“Commission”) pursuant to a request by South Carolina Electric & Gas Company (“SCE&G” or “Company”) for approval of revised rates (“Request”) in accordance with the terms of the Base Load Review Act (“BLRA”), S.C. Code Ann. § 58-33-210, *et seq.* (Supp. 2013). Under § 58-33-280 of the BLRA, electric utilities engaged in the construction of a base load generation facility pursuant to a Base Load Review Order issued by the Commission may annually request revised rates to recover their weighted average cost of capital applied to all or, at the utility’s option, part of the outstanding balance of construction work in progress (“CWIP”), calculated as of a date specified in the filing. A history of prior annual filings for V.C. Summer Units 2 and 3 under this Code section may be found in Commission Order No. 2013-680(A). Under the BLRA, the public may file comments concerning the Request with the Commission and the South Carolina Office of Regulatory Staff (“ORS”) within one (1) month of the filing. S.C. Code Ann. § 58-33-280(C). Within two (2) months of the Request, ORS must file with

the Commission a report with the results of its review and audit of the Company's Request. S.C. Code Ann. § 58-33-280(D). Included in the ORS report are any proposed changes to the revised rates or to the information supporting them which result from the ORS review and audit of the matters at issue. *Id.* Within one (1) month of the date ORS files its report with the Commission, interested parties may file written comments concerning ORS's report. S.C. Code Ann. § 58-33-280(E). ORS is authorized to revise its report based on filed comments. S.C. Code Ann. § 58-33-280(E). Within four (4) months after the date the Request is filed, the Commission must issue an order granting, modifying, or denying the revised rates requested by the Company. S.C. Code Ann. § 58-33-280(F).

In this proceeding, SCE&G filed its Request on May 30, 2014. Pursuant to S.C. Code Ann. § 58-33-280(B), SCE&G established June 30, 2014, as the date for calculating its outstanding balance of CWIP and weighted average cost of capital. In the Request, SCE&G projected that as of June 30, 2014, its CWIP for V.C. Summer Nuclear Station Units 2 & 3 ("Units"), incremental to the amount already included in rates pursuant to Order No. 2013-680(A), including associated Allowance for Funds Used During Construction ("AFUDC"), would total \$595,203,000.¹ SCE&G requested the approval of rates and tariffs calculated to produce an increase in annual revenues of approximately \$70,038,000, which reflected SCE&G's then-current cost of capital of 12.18% as applied

¹ This calculation reflects the deferral of \$52,000 which represents one-half (½) of the cost incurred by SCE&G related to the Change Order No. 11 Schedule Impact Study and approximately \$186,000 incurred as Cyber Security Phase II costs for the Units and subject to future review and approval by the Commission. See Order No. 2012-884.

to that amount. The rate adjustments proposed in the Request amount to a proposed average increase to customers in the residential class of 3.09%.

The exhibits to the Request included detailed budgetary information, construction milestone schedules, and SCE&G's March 2014 Quarterly Report which was filed in accordance with S.C. Code Ann. §§ 58-33-277 and 58-33-280(B). In the March 2014 Quarterly Report, SCE&G provided a detailed review of the progress of engineering, procurement and construction of the Units. ORS conducted its review and audit of the Request as required by S.C. Code Ann. § 58-33-280(D). A written comment on the Request by Mr. Joseph Wojcicki was received by the Commission.

On July 30, 2014, ORS timely filed its "*Report on South Carolina Electric & Gas Company's Annual Request for Revised Rates*" ("Report"). In the Report, ORS documented that it had conducted the statutorily-required review of SCE&G's actual CWIP expenditures through June 30, 2014, and compared those figures with the forecasted amounts set forth in Exhibit D to the Request. ORS determined that SCE&G's adjusted incremental CWIP for the review period was \$561,062,000, which was \$34,141,000 less than the projected balance as of June 30, 2014, as set forth in Exhibit D to the Request. ORS also recomputed the amount of AFUDC properly included in the CWIP account to reflect the adjusted CWIP balances as of June 30, 2014. In addition, ORS verified and recalculated SCE&G's cost of capital as of June 30, 2014, which it computed in accordance with the terms of the BLRA and the findings as to cost of capital contained in Order No. 2009-104(A). Based on these verified and recalculated numbers, ORS computed an additional annual retail revenue requirement of \$66,238,000 associated

with the adjusted incremental balance of CWIP, reflecting a weighted average gross cost of capital of 12.22%. The ORS adjustments result in an average increase to customers in the residential class of 2.92%.

As indicated in the Report, ORS also examined the rate design and class allocation factors SCE&G used to create the rates presented in Exhibit F to the Request. ORS verified that the Company's proposed rate design and class allocation factors complied with S.C. Code Ann. § 58-33-270(D) and the rate design contained in the Company's last rate order, Order No. 2012-951. ORS concluded that the project is being constructed in accordance with the construction schedules and cumulative cost forecasts approved in Order Nos. 2009-104(A), 2010-12, 2011-345, and 2012-884.

On August 21, 2014, SCE&G submitted its written comments on the ORS Report and indicated that the Company was in agreement with the conclusions of ORS, including specifically ORS's calculation of SCE&G's CWIP, incremental retail revenue requirement, capital structure, allocation of additional revenue requirement, rate design and other operative matters related to the current Request. With regard to the future treatment of the removal of certain capital costs items totaling \$632,000, SCE&G informed the Commission that the Company intended to seek recovery of these costs in a future proceeding under the terms of the BLRA. The Commission received an additional written comment on the ORS Report from Mr. Ronald P. Wilder, PhD.

Furthermore, the Commission takes notice of the Company's Quarterly Report for the Second Quarter of 2014, filed August 14, 2014, with ORS and with the Commission. In that report the Company states that a full re-baselining of the construction schedule for

the project is underway and should be completed in the latter months of 2014. In the meantime, the Company has received preliminary information indicating that certain milestones may be delayed and the delays may extend beyond the 18-month contingency period established in Order 2009-104(A). This information, however, is preliminary and does not reflect all efforts that may be possible to mitigate delay.

SCE&G further states that it plans to reevaluate and reschedule its cost estimates and cash flow requirements in light of that new schedule when it is finalized. Upon finalization of the revised schedule and cost estimate at completion, SCE&G expects to petition the Commission for an order to update the BLRA construction schedule and cost forecasts as the BLRA permits.

The Commission finds that the Company's approach to the review and updating of these schedules is consistent with the terms of the BLRA. To review these matters before the construction schedules are finalized would be premature. The orderly administration of the BLRA requires that the review of any necessary changes in cost or milestone schedules take place when definitive information about them is available.

The Commission has examined the Request, Report, and the comments filed in this Docket. In doing so, the Commission is mindful that, where the ORS and the utility have agreed in writing as to a revised rates filing, the BLRA requires the Commission to give substantial weight to the agreement in issuing its order. S.C. Code Ann. § 58-33-280(G). Based upon our review, we conclude that the Request should be granted with modifications proposed by the ORS and agreed to by SCE&G in accordance with the Findings and Conclusions set forth herein.

FINDINGS AND CONCLUSIONS

1. S.C. Code Ann. § 58-33-280(A) provides that an electric utility may file a request for revised rates no earlier than one year after filing a combined application, and no more frequently than annually thereafter under the BLRA.

2. SCE&G filed its last request for revised rates in Docket No. 2013-150-E, effective May 30, 2013.

3. SCE&G's Request in this proceeding is timely.

4. All information received indicates that the facility is being constructed in accordance with the construction schedules set forth in Commission Order No. 2009-104(A), as modified in Commission Order Nos. 2010-12 and 2012-884.

5. The capital costs that the Company now seeks to have included in revised rates are within the capital cost schedules approved in Commission Order No. 2009-104(A), as modified by Commission Order Nos. 2010-12, 2011-345, and 2012-884.

6. ORS has examined the Request and concluded that SCE&G's adjusted incremental CWIP associated with the Units as of June 30, 2014, was \$561,062,000.

7. Based upon ORS's Report, an increase in SCE&G's annual retail revenue requirement of \$66,238,000 is appropriate to allow SCE&G the opportunity to recover its approved cost of capital as applied to the incremental CWIP associated with the Units on June 30, 2014.

8. Revised rate tariffs which are consistent with the terms of this Order shall be electronically filed by the Company with this Commission within ten (10) days of the Company's receipt of this Order. The revised tariffs should be electronically filed in a

text searchable PDF format using the Commission's DMS System (<http://dms.psc.sc.gov>). An additional copy should be sent via email to etariff@psc.sc.gov to be included in the Commission's ETariff System (<http://etariff.psc.sc.gov>).

9. Under S.C. Code Ann. § 58-33-280(H), a utility may implement revised rates for bills rendered on or after a date selected by the utility but not sooner than 30 days after revised rates are approved. The revised rate tariffs shall be effective for bills rendered on and after October 30, 2014, which is a date that conforms with the provisions of S.C. Code Ann. § 58-33-280(H).

10. The Commission finds no other changes are appropriate or necessary in SCE&G's proposed Request apart from those proposed by ORS and agreed to by SCE&G.

11. Any aggrieved party may petition this Commission for a review of this Order within thirty (30) days from the date of this Order. S.C. Code Ann. § 58-33-285(A).

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

BY ORDER OF THE COMMISSION:



Nikiya Hall, Chairman

ATTEST:



Swain E. Whitfield, Vice Chairman

(SEAL)