

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2013-CP-26-0488

**RECEIVED**

OCT 22 2014

**SC Court of Appeals**

Horry Electric Cooperative, Inc., .....Appellant

vs.

South Carolina Public Service Authority and Southern Electric International,  
Inc., Defendants

Of Whom South Carolina Public Service Authority is the.....Respondent.


**APPELLANT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Complaint dated January 18, 2013
2. Defendant's Notice of Motion to Dismiss Complaint dated July 3, 2013
3. Amended Complaint dated July 26, 2013
4. Defendant's Motion to Dismiss Amended Complaint dated August 21, 2013

6. Plaintiff's Memorandum in Opposition to Defendant South Carolina Public Service Authority's Motion to Dismiss dated September 26, 2013
7. Defendant's Reply in Support of its Motion to Dismiss dated September 30, 2013
8. Plaintiff's Motion for Partial Summary Judgment dated October 2, 2013
9. Plaintiff's Notice of Motion and Motion for Continuance and/or to Stay Any Decision dated May 13, 2014
10. Plaintiff's Rule 59(e) Motion to Reconsider, Alter and/or Amend dated July 1, 2014
11. Motion and Order for Case Assignment to the Business Court Pilot Program dated March 5, 2014
12. Order Granting Public Service Authority's Motion to Dismiss dated June 11, 2014
13. Order Denying Plaintiff's Motion to Reconsider dated July 10, 2014
14. Transcript of Record dated May 27, 2014
15. Notice of Appeal dated July 31, 2014
16. Affidavit of Pope D. Johnson, III dated September 26, 2014

I certify that this designation contains no matter which is irrelevant to this appeal.

  
\_\_\_\_\_  
Pope D. Johnson, III  
Attorney at Law  
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Columbia, SC 29201  
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803-253-6084 (Fax)  
[pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)  
**Attorney for Appellant**

Columbia, South Carolina  
October 21, 2014

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Of whom South Carolina Public Service Authority is the .....Respondent

**PROOF OF SERVICE**

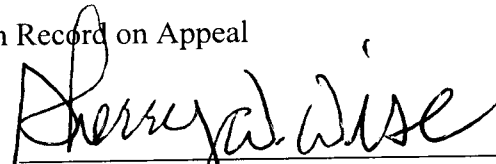
I, Sherry W. Wise, of Pope D. Johnson, III, Attorney at Law, hereby certify that I have served B. Rush Smith, III, attorney for Respondent, with the following pleadings by mailing a copy of same, postage prepaid and return address clearly indicated, to him at the following address this 22<sup>nd</sup> day of October, 2014.

**COUNSEL SERVED:**

B. Rush Smith, III, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201

**PLEADINGS:**

Appellant's Designation of Matter to be Included in Record on Appeal

  
\_\_\_\_\_  
Sherry W. Wise

POPE D. JOHNSON, III  
Attorney at Law

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October 22, 2014

**(Via Hand Delivery)**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: Horry Electric Cooperative, Inc. v. South Carolina Public Service Authority  
Appellate Case No. 2014-001685

Dear Ms. Kitchings:

In accordance with the Court's letter dated October 20, 2014, I am herewith re-filing Appellant's Designation of Matter to be Included in the Record on Appeal with the correct caption. Please file the original and clock and return the additional copy to me.

With a copy of this letter to B. Rush Smith, III, attorney for the Respondent, I am serving a copy of the Designation of Matter upon him.

Sincerely,

  
Pope D. Johnson, III

PDJIII/sww  
Enclosures

cc: B. Rush Smith, III, Esquire

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**SC Court of Appeals**