

LETTER TO THE APPELLATE COURT CLERK

December 22, 2014

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

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DEC 22 2014

S.C. SUPREME COURT

Re: Joseph E. 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,
PSC docket 2014-187-E

Appellate Case No. 2014 – 002120

Dear Mr. Shearouse:

According to *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (192) and on behalf of millions abandoned SCANA scandal victims - enclosed please find for filing:

1. MEMORANDUM with NECESSARY COMMENTS/ARGUMENTS to the COURT ORDER dated December 11, 2014. IN the MATTER of the AMENDED INITIAL BRIEF of APPELLANT.
2. AMENDED INITIAL BRIEF of APPELLANT ver. 2.

With kind regards and the best wished in holydays' season,

Yours faithfully,



Joseph E. Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

SERVICE: Listed below parties receive e-copy/file via email:

SCE&G

ORS

PSC

from joe4ocean@aim.com

as well via USPS first class mail to:

<p>The Honorable Jocelyn Boyd 101 Executive Center Drive Columbia, SC 29210</p>	<p>Office of Regulatory Staff 1401 Main St., Suite 900 Columbia, SC 29201</p>	<p>South Carolina Electric and Gas Company P.O. Box 100255 Columbia, SC 29202</p>
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THE STATE OF SOUTH CAROLINA
In the Supreme Court

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DEC 22 2014

APPEAL FROM
THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
PSC docket No. 2014-187-E

S.C. SUPREME COURT

Appellate Case No. 2014 -002120

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

V.

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

MEMORANDUM with NECESSARY COMMENTS/ARGUMENTS
to the COURT ORDER dated December 11, 2014.
IN the MATTER of the AMENDED INITIAL BRIEF of APPELLANT.

Joseph Edward Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

The energy consultant, FCA of BLRA technical
investigator and the only independent relator.
On behalf of millions of misrepresented victims.

Timing required from *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (192): "*Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities*" and "*appellant shall, within fifteen (15) days of this order [from Dec. 11, 2014, until Dec. 26, 2014], serve and file an initial brief that does fully comply with Rule*"

Columbia, SC December 20, 2014

Cited from the [S.C.] Base Load Review Act for a clear matter/merit explanation.

“Section 58-33-210. This article is known, and may be cited, as the “Base Load Review Act,” and is applicable to utilities as defined in Section 58-33-220 of this article.

Section 58-33-220. The following terms, when used in this article, shall have the following meanings, unless another meaning is clearly apparent from the context:

(1) “AFUDC” means the allowance for funds used during construction of a plant calculated according to regulatory accounting principles.

(2) “Base-load plant” or “plant” means a new coal- or nuclear-fueled electrical generating unit or units or facility that is designed to be operated at a capacity factor exceeding 70% annually, has a gross initial generation capacity of three hundred fifty [350] megawatts or more, and is intended, in whole or in part, to serve retail customers of a utility in South Carolina, and for a coal plant, includes Best Available Control Technology, as defined by the United States Environmental Protection Agency, for the control of air emissions.

(3) “Base-load review application” or “application” means an application for a base-load review order under the terms of this article.

“We the People” understand that the plant, which cannot meet the BLRA definition, shall not receive PSC orders allowing the direct robbery of SCE&G electric kWh ratepayers, which is being done by SCANA. Any, one or more of our advocates expect to get a fair and open (transparent) response why the engineering/scientific proof of a false-claimed assumption of the Base Load Review Act (FCA of BLRA) may be blocked from the S.C. Supreme Court appellate process. We, the people and businesses of South Carolina, being directly and/or indirectly victims of the multibillion-dollar SCANA scandal, expect a restoration of justice and not just a cover up and protection of criminals who are acting in the Enron scandal style. A monumental project of two new AP 1000 units is being built in Jenkinsville, S.C., without U.S. Department of Energy (DOE) funds.¹¹ The illegal kWh overcharges were, and are, not necessary in the U.S. nuclear renaissance. Georgia utilities got a \$6.5 billion loan from the Department of Energy in February 2014. This fact could give *Free Times*, a S.C. weekly magazine, the opportunity to print another article with the headline “S.C. is a Stupid-Ass State.”¹² Sabotaging the Bush-Obama Stimulus Programs is stupid; applying the BLRA is illegal; robbing people of billions of dollars is a felony.

¹¹Getting the Money for New Nuclear 12/10/2014 By Elizabeth Ingram, Managing Editor.
<http://www.power-eng.com/articles/2014/12/getting-the-money-for-new-nuclear.html?cmpid=enl-poe-weekly-december-11-2014>

¹²<http://www.free-times.com/archives/s.c.-is-a-stupid-ass-state>; http://thetandd.com/news/s-c-state-nearing-financial-disaster/article_bc596dae-cc2b-11e3-968f-001a4bcf887a.html

Ad rem: Here is a review of the order, dated December 11, 2014, in the above FCA of BLRA case, which is done from the public interest point of view.

1. There is no factual explanation for the dismissal of such a multibillion SCANA scandal case. A letter from Mr. Burgess did not mention Rule 208(b)(1), SCACR. With the order's statement "*we [do] not to dismiss the notice of appeal for lack of proper service*" and conditional "*we would dismiss the appeal based on the appellant's failure to comply with the requirements of Rule 208(b)(1), SCACR.*" We understand that the appellant receives 15 days for correction in the initial brief, according to *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (192).
2. There are no protests to appeal from any ethical and independent lawyers, other SCE&G undisputed lawyer(s), or the SCE&G administration for the effectiveness of "service." Examples of last year's ethics and crime violations by legal representatives somehow have not disconnected the SCANA lawyer from receiving a notice of appeal that allows him to make the next manipulations. "We the People" do not know the visible motivation for the FCA of BLRA crime "protection." According to a S.C. Supreme Court appeal on *Harrell v. Wilson*, it was expected that Mr. Burgess would not represent SCE&G and the SCANA shareholders.
3. The victims of this FCA of BLRA scandal shall expect a full explanation of the extended, practically unnecessary and illegal robbery of their budgets. At least here via their only advocate, i.e. appellant.
4. Rule 262(b), SCACR could be much better served if judges allowed the mass media to publish information about it, as asked by the advocate/appellant. The block of public information about the FCA of BLRA is, at least, a symptom of a "long-lasting conspiracy" and obstruction of justice. The opinion of the public is shocked in such a way that one of the creators of SCANA scandal, Mr. Burgess, as leading case manipulator, still claims to represent SCE&G. He was allowed to run "the show," and requests that the obstruction of truth about the FCA of BLRA scandal continue. This obstruction is also a public conflict of interest in the time when grand jury and/or other criminal/ethical investigations, similar to *S.C. Harrell v. Wilson* case have not finished. Note that the "working horse," SCE&G, transfers the benefits of illegal overcharges to SCANA, the corporation hidden in this project application. *De facto*, the public anger is directed towards the company and not the SCANA lawyers.
5. Rule 208(b)(1), SCACR was respected in the appellant's initial brief construction, with some simplification, on six pages. The simple review of the above S.C. Code Sections 58-33-210 and 220 could already lead to a just opinion and the removal of the results of the SCANA scandal. The protection of criminals is not written into the laws of the State of South Carolina or the United States. The S.C. Supreme Court was informed, in case 2013-000529, about the FCA of BLRA. Chief Justice Jean Hoefler Toal was additionally informed by mail and fax in May 2014. The court's opinion 2014-27456 has nothing to do with SC Code Sec 58-33-220; therefore, *de facto*, the BLRA shall not be a legal ground for any "privileges to rob victims" given by the ORS/PSC to SCANA/SCE&G.

6. Whoever created the FCA of BLRA to rob billions of dollars from millions of S.C. residents is a criminal. Whoever ignores this fact obstructs justice. Whoever ignores the negative sociologic and economic effects of the FCA of BLRA is criminally negligent. The people see a conspiracy, but they do not know how deep it goes or how wide it has extended since 2005 when Jenkinsville was chosen for the new plant. In designing and building power plants – the laws of nature (God’s laws) must be respected. This is not mere faith as “In God We [victims] Trust.”
7. At the beginning of another season (this time, the winter of 2014/2015), with the naturally higher demand for electricity, and people being forced to save money and possibly have their services disconnected because of unpaid bills, there is a higher health hazard. The expected solution should be an immediate “reimbursement of illegal overcharges,” even before someone is found guilty in the case. An acknowledgement by the court would be a good start. Repairing the rest of the “system” could be the next step, following the example of the well-known Enron (USA/TX 2001) case and that of S.C. Speaker of the House Bobby Harrell (SC 2014). The suspension of the kWh rate increase is more important for South Carolina and its residents than e.g. “same-sex marriage.” The appropriate petition to suspend PSC Order 2014-785 was faxed and served on Oct. 23, 2014.
8. It would be irrational to assume that all who are so-called “public servants” in South Carolina are also “SCANA servants.” *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (192) states: “*Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities*” and will be respected in the enclosed AMENDED INITIAL BRIEF of APPELLANT ver. 2 and rejecting Mr. Burgess’ objections.
9. A 15-day grace period was given to make corrections in the above case. This presents a “human face” and hopes to end the SCANA scandal. The SCANA scandal is worse than the one in which Enron was involved in several aspects.
10. The appellant was keeping general form and limited his contents to a six-page initial brief. He tried to follow the logical sequences of issues rather than putting them in alphabetical order. He is the author of many educational workbooks and a multi-year technical educator. The applicant received recognition from his students after 15 years of teaching in South Carolina and is supposed to be among the top 2% of American teachers. Despite his English is a second language, some of his students being graduated *cum laude* gave him such recognition several times. His schoolmate, Donald Tusk, is now president of the European Union, and someone who participated in the Solidarity Movement of the 1980s in Gdansk, Poland. Of course, this is not important who is the messenger of the FCA of BLRA is but the message of FCA of BLRA in the SCANA scandal. The expected global opinion is that if the court dismisses the appeal, slavery will be reinstated in the form of a financial burden for victims. In the history of the United States and the world, there are a few individuals who positively affected humanity:

- 10.1 Polish astronomer Nicolaus Copernicus (Mikolaj Kopernik), who proved against all odds that the Earth was not the center of universe.
- 10.2 Polish physicist Maria Sklodowska-Curie began the nuclear era in science.
- 10.3 Born in Poland, U.S. Adm. Hyman G. Rickover was an electrical engineer who originally developed naval reactors, giving power to U.S. submarines and carriers. In the Navy for 63 years, becoming the longest-serving naval officer in U.S. history
- 10.4 U.S. Sen. Strom Thurmond, the Wojcicki family sponsor, was active until his 100th birthday.
- 10.5 Born in Poland, Stanley (Stanislaw) G. Wojcicki, is a professor emeritus and former chair of the physics department at Stanford University in California. He is also an internationally recognized physicist. If you look up the name "Wojcicki" on the Internet, you may find his daughters, Susan and Anne, who are involved in science and are in top corporate management.
- 10.6 Zbigniew Brzezinski was national security advisor for former President Jimmy Carter, and Lech Walesa, an electrician from Gdansk, won the Nobel Peace Prize in 1983. **Both are the Solidarity Movement heroes.**
- 10.7 Gen. Casimir (Kazimierz) Pulaski, father of the American cavalry, etc. You may say they have nothing to do with SCANA scandal, but their individual charisma motivated the appellant to work for the people and national economy.
- 11. Some individuals/whistleblowers caused positive results in U.S. financial corporate scandals in which the U.S. judicial system had big victories. Now, South Carolina can do the same or even better. After returning the stolen money to victims, the state should end ratepayers' monopolistic energy dependence by introducing a system that allows a choice of electric services similar to choosing a cell phone provider.
- 12. The last legal events in South Carolina that should/would/could have changed "The S.C. People," **situation** or the "pro ORS/PSC and SCANA bias," were:
 - 13.1. The conditional Opinion 2014- 27456 in which Chief Justice Toal assumed that the PSC was an expert and *"[b]ecause the commission's findings are presumptively correct, the party challenging the commission's order bears the burden of convincingly proving the decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion, in view of the substantial evidence of the record as a whole."* Wojcicki's Engineering Analysis and Declaration in PSC docket 2014-187-E are such records. They will show that the BLRA cannot be the legal ground for all PSC orders to finance this nuclear project.
 - 13.2. The S.C. Regulatory System, composed of the ORS and PSC to create two-level processing, lost its designed fair and open regulations. The mission to set economical national effectiveness and the fairness for the people and businesses is **de facto** brutally ignored. Positively suggested comments and challenges are silenced with arrogance. Now, facts of visible arrogance and ignorance in the robbery of veterans, retirees and family budgets by credulously accepting the FCA of BLRA have been revealed.

- 13.3. The felony of the SCANA scandal is much greater, in monetary value and number of victims, than the violations assigned to ex-Speaker of the House Bobby Harrell.
- 13.4. The problem with the financial burden created for SCANA victims should be higher on the list of the judicial system priorities than temporary suspensions of same-sex marriages. The proper petition seems to be still ignored by the court's clerk.
13. With the lack of detailed indications of supposedly "Initial Brief failures," the enclosed is a new edition. According to *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992): "**appellant shall, within fifteen (15) days of this order, serve and file an initial brief that does fully comply with Rule.**" Please note that-we the people expect a timely ending to the FCA of BLRA scandal and order that there be financial reparations with all punitive and other damages included. It is more urgent and justified in this situation than in any other aspect.
14. I understand that this and next service to SCANA lawyer, Mr. Burgess, if justified, will be done via SCE&G address. His letter to this court proved well this way.

Respectfully submitted,



Joseph Wojcicki
820 East Steele Road
West Columbia, SC 29170-1125

Enclosed: AMENDED INITIAL BRIEF of APPELLANT ver. 2.
Dated **December 20, 2014**

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Joseph Edward Wojcicki - the advocate for SCANA/SCE&G victims.
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South Carolina Electric and Gas/SCANA,
South Carolina Office Of Regulatory Staff /Public Service Commission,
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Dated 2014 December 20

Joseph Edward Wojcicki

820 East Steele Road

West Columbia, SC 29170-1125

The energy consultant, FCA of BLRA technical investigator
and the only independent, non-layperson

On behalf of millions of misrepresented victims.

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PUBLIC SERVICE COMMISSION ORDERS:

No. 2009-104(A); No. 2011-345; No. 2012-884; No. 2013-5; No. 2014-786, No. 2014-733, No. 2014-764, and No. 2014-8815

¹ http://en.wikipedia.org/wiki/Enron_scandal;
<http://www.forbes.com/sites/kensilverstein/2013/05/14/enron-ethics-and-todays-corporate-values/>;
http://www.global-ethic-now.de/gen-eng/0d_weltethos-und-wirtschaft/0d-01-globale-wirtschaft/0d-01-201-enron-konzern.php; <http://politicalhumor.about.com/library/blenronscandal.htm>

² <http://en.wikipedia.org/wiki/Dynergy>; <http://www.nbcnews.com/id/3475285/ns/business-corporate-scandals/t/ex-dynergy-exec-convicted-fraud/#.VDzO1SjuTZc>

³ <http://www.georgiapower.com/about-energy/energy-sources/nuclear/overview.cshtml>;
<http://www.nei.org/News-Media/News/News-Archives/DOE-Finalizes-Vogtle-Loan-Guarantees>

⁴ <http://www.fitsnews.com/2014/11/25/sled-releases-bobby-harrell-report/>

STATEMENT OF ISSUES ON APPEAL

1. DID THE ORS/PSC ERR IN OVERLOOKING LIMITATIONS SET BY THE BLRA DEFINITION IN ORDERS NO. 2009-104(A) AND FOLLOWING, PUTTING AN UNCERTAIN FINANCIAL BURDEN ON S.C. kWh RATEPAYERS TO THIS PROJECT LOCATED IN JENKINSVILLE, S.C.?

2. DID THE COMMISSION ERR IN FAILING TO PROPERLY CHECKOUT THE BLRA DEFINITION TO BE MET BY THE APPLICATION/PROJECT?

3. DID THE ORS/PSC ERR IN FAILING TO ACCEPT A CHALLENGE OF FALSE-CLAIMED ASSUMPTION OF THE BLRA (FCA of BLRA)?

4. DID THE ORS/PSC ERR IN REJECTING THE INDEPENDENT TECHNICAL/ENGINEERING ANALYSIS OF THE FCA OF BLRA?

5. DID THE ORS/PSC ERR IN ALLOWING THE SCANA LEGAL TEAM TO INTRODUCE THE OFTEN QUESTIONED FINANCIAL BURDEN ON S.C. ELECTRICITY USERS BY OVERLOOKING ETHICAL/ECONOMICAL/CRIMINAL WRONG DOING?

6. DID THE ORS/PSC ERR IN NEGLECTING PUBLIC HEALTH AND PLACING IT IN JEOPARDY BY INSTITUTING SIGNIFICANTLY HIGHER kWh RATES IN THE SUMMER AND IN WINTER WHEN A HARSH ECONOMY AND SMALLER BUDGETS PRESSED PEOPLE TO SAVE ON AIR CONDITIONING AND/or ELECTRIC HEATING?

7. DID THE ORS/PSC ERR IN FAILING TO REQUEST A FULL ENGINEERING ANALYSIS FOR LOW FLOWS IN THE BROAD RIVER FROM SCANA/SCE&G?

8. DID THE ORS/PSC ERR IN ANALYZING THE ECONOMY OF THE STATE AND NATIONAL WATER POLICIES?

9. DID THE PSC ERR IN BREACHING ITS OWN MISSION STATEMENT?

“Our Mission: A Fair, Open, And Efficient Regulatory Process That Promotes Cost-Effective And Reliable Utility Services”

9.1. IN A FAIR -- BY IGNORING THE ECONOMICAL SITUATIONS IN S.C. AND THE NATION.

9.2. IN OPEN -- BY IGNORING ANY PROTESTS AND/OR CHALLENGES, WITH THE VERY-WEAK-LEADERSHIP-OVER-WEAK-ENGINEERING PSC TEAM, WHICH WAS NEVER REPORTED TO S.C. LEGISLATURE IN LIGHT OF BLRA.

9.3. IN RELIABLE UTILITIES SERVICES – BY PUTTING SCE&G EMPLOYEES IN JEOPARDY OF FACING AN ENRON-TYPE SCANDAL.

9.4. IN SIGNIFICANT kWh RATE INCREASES THAT INDICATE A LACK OF COST EFFECTIVENESS FOR THE STATE OF S.C., ITS PEOPLE AND BUSINESSES.

9.5. OVER-LEGALESE IN THE PSC INCREASED THE COST OF LICENSING AND DID NOT PREVENT THE FCA OF BLRA.

10. DID THE ORS ERR IN DISRESPECTING ITS OWN MISSION?

10.1. BY APPROVING HIGHER kWh RTES AGAINST THE BLRA DEFINITION, THUS HURTING THE CONSUMERS’ PUBLIC INTEREST.

10.2. BY USING SCE&G CUSTOMERS FOR SCANA FINANCIAL SCANDAL.

10.3. BY REMOVING BILLIONS OF DOLLARS FROM STATE ECONOMIC DEVELOPMENT.

10.4. BY COVERING UP MISLEADING NUMBERS FROM STATE AND FEDERAL COMMISSIONS IN THE COOLING WATER PROBLEMS. SOME OF THEM WERE ACCEPTED *EX CATHEDRA*, E.G. 76-DAY RESERVE IN MONTICELLO RESERVOIR WITHOUT COMPARING TO THE REAL RECORDS OF DURATION, ESPECIALLY IN DROUGHT SEASONS.

11. DID THE ORS/PSC ERR IN IGNORING SECOND DUKE'S NUCLEAR 2 * AP 1000 PLANT LOCATED NEAR THE BROAD RIVER WITH IT AS A SOURCE FOR COOLING?

12. DID THE ORS/PSC ERR IN IGNORING THE REQUIRED APPLICATION IN 2008 TO AMEND FERC P-1894 LICENSING FOR THE PARR RESERVOIR COMPLEX ON THE BROAD RIVER?

13. DID THE ORS/PSC ERR IN IGNORING A FULL ELECTRO-ECONOMICAL ANALYSIS, INCLUDING SMART NATIONAL GRID AND BUSH-OBAMA STIMULUS PROGRAMS?

14. DID THE ORS/PSC ERR IN ITS INVESTIGATION OF PROFESSIONAL ETHICAL/CRIMINAL AND NEGLIGENCE/OBSTRUCTION OF JUSTICE ASPECTS?

STATEMENT OF THE CASE

All Public Service Commission (PSC) of South Carolina Orders issued on the grounds of a false-claimed assumption of the S.C. Base Load Review Act (FCA of BLRA) are baseless because the BLRA definition was never met, never proven and was ignored in the licensing process before the PSC since May 30, 2008. Thus, usage of the BLRA for the VC Summer Units 2 and 3 Project is entirely not prudent⁵.

I, Joseph Edward Wojcicki, the advocate for millions of SCANA (NYSE:SCG)/SCE&G ratepayers who are being illegally overcharged by electric kWh rates using the FCA of BLRA, do appeal PSC Orders, including No. 2014-785, as well as entire process of denying my interventions in the above matter/case with the last PSC directive/orders No. 2014-764 and 2014-881. Please note that this case is exceptional/extraordinary in the multibillion-dollar burden it puts on victims. It is very similar to infamous corporate scandals, such as Enron (NYSE:ENE -2001)¹ and Dynegy (NYSE:DYN-2012)². The mandate to advocate victims in S.C. comes from the S.C. attorney general's office (Engineering Analysis - Exhibit W-15)⁵. According to the FCA, the fair return of illegally collected funds shall total the sums approved by all PSC orders based on the BLRA with punitive damages and ROI percentages. Note that Wojcicki is also one of SCANA's shareholder. On the other hand, the PSC legal team's rejection of basic justice reached the peak of madness in its statement in Directive/Order 2014-881: "Finally, even if the present filing by Mr. Wojcicki could be constructed as a Petition for a review of the Commission's Revised Rates Order No. 2014-785, filing [does] not comply with the requirements of S.C. Code Ann. § 58-33-285(C) [sic = from non-applicable BLRA!] and thus should be rejected, because the document does not identify with particularly the **specific issues being raised with regard to the revised rates order.**" The "finding that the **FCA of BLRA is not specific issue**" is an obstruction of justice. So, the SCANA scandal leaves victims to be robbed by another hundreds of millions with criminal negligence during seasonal hardship.

⁵ ENGINEERING, LOGICAL, AND COMMON SENSE ANALYSIS OF FALSE CLAIMED ASSUMPTION OF S.C. BASE LOAD REVIEW ACT (FCA of BLRA) USED TO GET INCREASED kWh RATES BY SCANA CORPORATION FROM SCE&G COMPANY RATEPAYERS AND THE CONSEQUENCES ("Engineering Analysis"); it is also available in form of eBook (www.bypas-int.net).

FACTS

The fact is the FCA of BLRA is the result of a very unprofessional approach to verifying the SCANA/SCE&G application. A project of this size should have been reviewed by engineering teams at the highest level, those with a proper education and very appropriate experience in several branches of science and engineering. It seems that conceptual work was done without fundamental knowledge in at least in a few areas. Serious professionalism was replaced by “models” and “misleading elementary percentages,” and is especially visible in election process for Jenkinsville. The elected nuclear technology, mostly questioned by environmentalists, has nothing to do with this terrible choice for financial sources. That, with the error of approving the BLRA as a legal ground does harmfully force the people and businesses of South Carolina to become investors. SCANA is unfairly using SCE&G customers on the behalf of the corporation. More facts can be found in the detailed Engineering Analysis⁵.

A Notice of Appeal was delivered in person on Oct. 7, 2014. Service was done to the ORS, PSC and SCE&G as respondents. Mr. Burgess, as SCANA lawyer and leader in this FCA of BLRA case, was suspected to be no longer a party/legal representative of SCE&G. There is a strong possibility of unethical/criminal activity, which comes from the S.C. Supreme Court, too, as reported in the scandal involving Mr. Bobby Harrell, ex-speaker of the S.C. House of Representatives. **The criminal act in Harrell’s case** was in a dollar range of between \$100,000 and \$1 million. This is significantly lower than the amount in the SCANA scandal, which is now valued at about \$3 billion and involved millions of victims. The SCANA scandal has also extended outside of South Carolina via SEC (NYSE:SCG)

ARGUMENTS

1. WHERE THE PUBLIC SERVICE COMMISSION (“PSC”) USES THE S.C. BASE LOAD REVIEW ACT (“BLRA”) TO ORDER A REQUESTED ELECTRIC kWh RATE INCREASE FOR SCE&G RATEPAYERS.

The PSC, which has no engineer in its seven-commissioner team, never presented scientific support to use the BLRA as a legal ground for its order. Since 2008, none of the engineering job offers was filled. The last selected commissioner is an ex-prosecutor. Victims have no information about any serious hearings before the S.C. Legislature in this case, which is very similar to what happened with the Enron scandal. The voting public did not elect any of the public service commissioners. It is contrary to how other state commissioners are elected. The worst fact for victims happened when the chairpersons failed also in the legal review OF FINANCUNG which is so important to leadership in financing, i.e. the FCA of BLRA. Victims cannot see supervisory actions from the Legislature, which issues the BLRA without the governor’s signature. Compare this situation to actions taken in the Enron and Dynege scandals.

2. WHERE THE PSC USES THE BLRA TO BLOCK INTERVENTIONS, MISLEAD THE PUBLIC AND/OR COVER UP THE SCANA LEGAL TEAM’S UNETHICAL/CRIMINAL ACTIVITY

For the rest of the issues (2 to 14), the simple and obvious answer is: **Yes, the ORS/PSC did err.**

During the entire process, the ORS/PSC pretended to listen to the voices of the public. After the first stage, with Order 2009-109(A), it presented a silent defensive position for almost any remark and/or comment. Almost any petition from outside is denied. Some denials are without truth or explanation. The level of the victims' budgets negligence crossed the criminal aspect triggering point. There is no transparency. To this scandal are added veterans and retirees, e.g. previous AARP protests went without a response. SCE&G "medical discounts" are not visible among victims. The reform of the ORS/PSC system could be expected, but first and foremost right now is the order/opinion that would end the FCA of BLRA – SCANA scandal.

CONCLUSION

There is 300% proof of the FCA of BLRA that shall lead to re-ordering the return of illegally collected funds for the project. An Engineering Analysis is completed and edited for a minimum fifth-grade educated reader and also someone with English as a Second Language. SCANA's affair with the FCA of BLRA victims expects that there will financial reparations ASAP.

All sabotage of the Bush-Obama Stimulus Programs are to be executed according to what is known from previous scandals, False Claim Act, and state ethical/criminal S.C. Code paragraphs.

In this Initial Brief, I, Wojcicki reserved all the rights as an American citizen, relator and advocate. His multiyear expertise may deliver additional information if the court requires it, e.g. at the hearing.

Yours faithfully,



Joseph E, Wojcicki

820 East Steele Road

West Columbia, SC 29170-1125