

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB 17 2015

APPEAL FROM THE ADMINISTRATIVE LAW COURT **S.C. Supreme Court**
Ralph King Anderson, III, Chief Administrative Law Judge
Opinion No. 5062 (S.C. Ct of App. Filed December 12, 2012)
(Withdrawn, Substituted, and Refiled May 1, 2013)

Case No. 09-ALC-07-0377-CC

Duke Energy Carolinas, LLCPetitioner,

v.

South Carolina Department of Health and Environmental
Control, South Carolina Attorney General, American Rivers, and
The South Carolina Coastal Conservation League. Respondents,

Of whom South Carolina Department of Health and Environmental
Control and American Rivers and The South Carolina Coastal
Conservation League are. Respondents.

CONSENT MOTION TO DISMISS APPEAL

Pursuant to Rules 240 and 260, SCACR, Petitioner Duke Energy Carolinas, LLC (“Duke”), by and through his undersigned counsel, and with the consent of the Respondents South Carolina Department of Health and Environmental Control, American Rivers, and The South Carolina Coastal Conservation League (“Respondents”) (collectively, Duke and Respondents hereinafter referred to as “Parties”), respectfully moves this Court for an

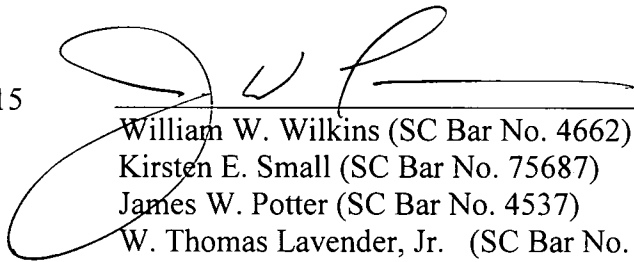
order dismissing this appeal on the basis of mootness¹. The grounds for this motion are as follows:

1. On July 11, 2014, the Parties entered into an agreement to settle this appeal (“Settlement Agreement”);
2. The Settlement Agreement requires the Parties each to satisfy certain obligations of the Settlement Agreement prior to Duke’s dismissal of this appeal;
3. Pursuant to the Settlement Agreement, Duke is required to file a motion to dismiss this appeal within five (5) days of the performance of the Parties’ Obligations under the Settlement Agreement;
4. The Obligations of the Parties have been satisfied under the Settlement Agreement making this appeal moot.

WHEREFORE. Duke, with the consent of Respondents, respectfully requests the Court to dismiss Duke’s appeal.

¹ The South Carolina Attorney General was originally a party to this case in the Administrative Law Court, but settled and withdrew from the case on May 5, 2010.

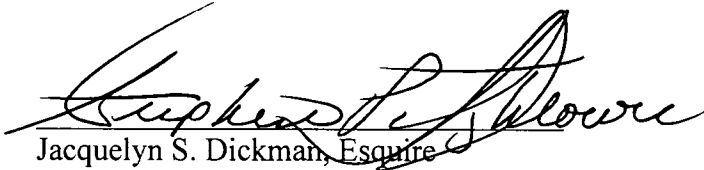
February 17, 2015



William W. Wilkins (SC Bar No. 4662)
Kirsten E. Small (SC Bar No. 75687)
James W. Potter (SC Bar No. 4537)
W. Thomas Lavender, Jr. (SC Bar No. 3143)
Nexsen Pruet, LLC
1230 Main St., Ste. 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
PHONE: 803.771.8900
FACSIMILE: 803-727-1471
BWilkins@nexsenpruet.com
KSmall@nexsenpruet.com
JPotter@nexsenpruet.com
TLavender@nexsenpruet.com

*Attorneys for Petitioner Duke Energy
Carolinas, LLC*

WE CONSENT:



Jacquelyn S. Dickman, Esquire
Stephen P. Hightower, Esquire
Office of General Counsel
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 898-3349

*Attorneys for Respondent South Carolina Department
of Health and Environmental Control*

WE CONSENT:

C.K. DeScherer by permission J. Holt 2-17-2015

Christopher K. DeScherer, Esquire
James Blanding Holman, IV, Esquire
Southern Environmental Law Center
43 Broad Street, Suite 300
Charleston, SC 29401-3051
(843) 720-5270

*Attorneys for Respondents American Rivers and
South Carolina Coastal Conservation League*

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB 17 2015

APPEAL FROM THE ADMINISTRATIVE LAW COURT **S.C. Supreme Court**
Ralph King Anderson, III, Chief Administrative Law Judge
Opinion No. 5062 (S.C. Ct of App. Filed December 12, 2012)
(Withdrawn, Substituted, and Refiled May 1, 2013)

Case No. 09-ALC-07-0377-CC

Duke Energy Carolinas, LLCPetitioner,

v.

South Carolina Department of Health and Environmental
Control, South Carolina Attorney General, American Rivers, and
The South Carolina Coastal Conservation League. Respondents,

Of whom South Carolina Department of Health and Environmental
Control and American Rivers and The South Carolina Coastal
Conservation League are. Respondents.

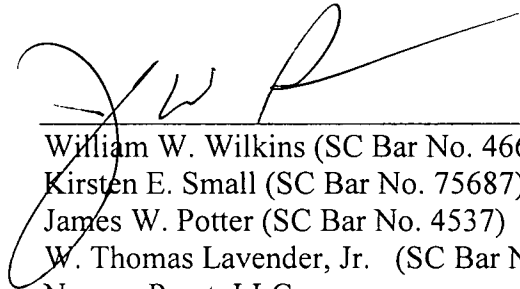
PROOF OF SERVICE

I certify that I have served the Petitioner Duke Energy Carolinas, LLC's Consent Motion to Dismiss Appeal on counsel of record for Respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 17, 2015, addressed to:

Jacquelyn S. Dickman, Esquire
Stephen P. Hightower, Esquire
Office of General Counsel
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201

Christopher K. DeScherer, Esquire
Frank S. Holleman, III, Esquire
James Blanding Holman, IV, Esquire
Southern Environmental Law Center
43 Broad Street, Suite 300
Charleston, SC 29401-3051

February 17, 2015



William W. Wilkins (SC Bar No. 4662)

Kirsten E. Small (SC Bar No. 75687)

James W. Potter (SC Bar No. 4537)

W. Thomas Lavender, Jr. (SC Bar No. 3143)

Nexsen Pruet, LLC

1230 Main St., Ste. 700 (29201)

Post Office Drawer 2426

Columbia, South Carolina 29202

PHONE: 803.771.8900

FACSIMILE: 803-727-1471

BWilkins@nexsenpruet.com

KSmall@nexsenpruet.com

JPotter@nexsenpruet.com

TLavender@nexsenpruet.com

Attorneys for Petitioner Duke Energy
Carolinas, LLC

RECEIVED

FEB 17 2015

NEXSEN | PRUET

S.C. Supreme Court
James W. Potter
Special Counsel
Admitted in SC, AL

February 17, 2015

HAND DELIVERED

The Honorable Daniel E. Shearhouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina 29211

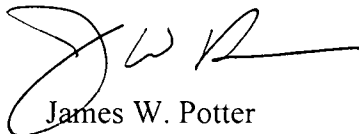
Re: Duke Energy Carolinas, LLC v. South Carolina Department of Health
and Environmental Control, et al. 2013-00118
Case No. 09-ALC-07-0377-CC

Dear Mr. Shearhouse:

Enclosed for filing please find the original and seven copies of Petitioner Duke Energy Carolinas, LLC's Consent Motion to Dismiss Appeal and Proof of Service in the above-referenced case. Also enclosed is the \$25 filing fee. All parties have been served. Please return a file-stamped copy via the courier.

We appreciate your assistance in this matter.

Very truly yours,



James W. Potter

JWP/caa

Enclosures

cc: Stephen P. Hightower, Esquire
Christopher K. DeScherer, Esquire
James Blanding Holman IV, Esquire

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh

1230 Main Street
Suite 700 (29201)
PO Drawer 2426
Columbia, SC 29202
www.nexsenpruet.com

T 803.253.8213
F 803.253.8277
E JPotter@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law



The Supreme Court of South Carolina

Nexsen Pruett

02/18/2015

RECEIPT #75077

Case No: 2013-001118
Case Short Title: Duke Energy v. SCDHEC
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 443694
Check/Money Order Date: 02/17/2015
Comments: