

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

OCT 14 2015  
SC Court of Appeals

Case No. 14-ALJ-17-0158-CC  
Appellate Case No. 2015-001509

DIRECTV, Inc. &  
Subsidiaries,

Appellant,

v.

South Carolina Department of  
Revenue,

Respondent.

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

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant,  
DIRECTV, Inc. & Subsidiaries ("DIRECTV"), respectfully requests that the following  
items be included in the Record on Appeal:

**ORDERS**

1. Final Order and Decision dated May 12, 2015
2. Reconsideration Order dated June 12, 2015
3. Amended Final Order and Decision dated June 12, 2015
4. Order Granting Extension for DIRECTV to Serve and File Its Initial Brief and Designation of Record dated August 11, 2015

5. Order Granting Extension for DIRECTV to Serve and File Its Initial Brief and Designation of Record dated September 11, 2015

#### **DETERMINATIONS**

6. Respondent's Exhibit 13<sup>1</sup>: Department Determination dated February 18, 2014

#### **MOTIONS**

7. DIRECTV's Motion for Reconsideration Under ALC Rule 29(D) and/or to Alter or Amend Under SCRCR Rule 59(e) filed May 22, 2015

#### **TRANSCRIPTS**

8. Hearing Transcript Day One dated January 13, 2015
9. Hearing Transcript Day Two dated January 14, 2015

#### **EXHIBITS AND OTHER MATERIALS OR DOCUMENTS**

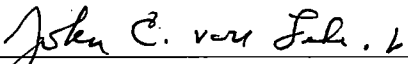
10. Petitioner's Exhibit 1: Customer Contracts with DIRECTV
11. Petitioner's Exhibit 2: CV of Professor Richard D. Pomp
12. Petitioner's Exhibit 3: Expert Report of Professor Pomp
13. Petitioner's Exhibit 5: Excerpts of Deposition Transcript of John A. Swain
14. Petitioner's Exhibit 7: CV of Dr. Brian J. Cody
15. Petitioner's Exhibit 8: Expert Report of Dr. Cody
16. Petitioner's Exhibit 16: Uniform Division of Income for Tax Purposes Act
17. Joint Exhibit 1: Joint Deposition Designation from Deposition of William J. Spina
18. Respondent's Exhibit 1-10: DIRECTV's Original and Amended South Carolina Corporate Returns for the tax periods ended December 31, 2006 through December 31, 2011
19. Respondent's Exhibit 11: 2006 through 2008 Field Audit Report of DIRECTV
20. Respondent's Exhibit 12: 2009 through 2011 Field Audit Report of DIRECTV

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<sup>1</sup> The parties stipulated that Respondent's Exhibits 1-13 were jointly offered into evidence.

21. Joint Stipulation of Petitioner and Respondent dated January 12, 2015

The undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains no matter that is irrelevant to the appeal.

  
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MORRISON & FOERSTER LLP

Attorneys for Appellant, DIRECTV, Inc. &  
Subsidiaries

Charleston, South Carolina  
October 9, 2015

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Case No. 14-ALJ-17-0158-CC

Appellate Case No. 2015-001509

DIRECTV, Inc. & Subsidiaries, ..... Appellant,

v.

South Carolina Department of Revenue ..... Respondent.

**PROOF OF SERVICE**

I the undersigned Administrative Assistant of the law firm of Nelson Mullins Riley & Scarborough, LLP, attorneys for DIRECTV, Inc. & Subsidiaries, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Initial Brief of Appellant

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

Counsel Served:

William J. Condon  
Nicole M. Wooten  
Mary Beth Campbell  
Timothy C. Thomson  
Counsel for Litigation  
South Carolina Department of Revenue  
Office of General Counsel for Litigation  
PO Box 12265  
Columbia, SC 29211



Donna Horn  
Administrative Assistant

October 9, 2015

# Nelson Mullins

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OCT 14 2015

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SC Court of Appeals

October 9, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: DIRECTV, Inc. v. South Carolina Department of Revenue  
Appellate Case No. 2015-001509  
Our File No.: 43370/09000

Dear Ms. Kitchings:

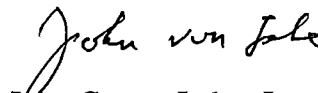
Enclosed are the originals and one copy of the following documents in the above matter:

1. Initial Brief of Appellant;
2. Appellant's Designation of Matter to be Included in the Record on Appeal; and
3. Proof of Service.

Please file the original pleadings and return the clocked-in copies to us in the enclosed envelope. By copy of this letter, we are serving these pleadings on counsel for Respondent.

Thank you for your assistance with this matter.

With kind regards,

  
John C. von Lehe, Jr.

JCV:dh

Enclosures

cc: Nicole Wooten, Esq.  
William J. Condon, Jr., Esq.  
Timothy C. Thompson, Esq.  
Mary Beth Campbell, Esq.

Hasler

10/09/2015

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**Nelson  
Mullins**

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