



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

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JUN 13 2016

SC SUPREME COURT

OFFICE OF GENERAL COUNSEL
Phone: 803.898.3350 Fax: 803.898.3367

June 13, 2016

VIA HAND DELIVERY

Daniel E. Shearouse
Clerk of Supreme Court of South Carolina
P.O. Box 11330
1231 Gervais Street
Columbia, SC 29211

Re: In the matter of Joint Application of Duke Energy Carolinas, LLC and North Carolina Electric Membership Corporation for a Certificate of Environmental Compatibility and Public Convenience and Necessity for the Construction and Operation of a 750MW Combined Cycle Generating Plant Near Anderson, SC.
Docket No. 2013-392-E
Court of Appeals - Appellate Case No. 2014-001514
Supreme Court - Appellate Case No. 2016-000839

Dear Mr. Shearouse:

The S.C. Coastal Conservation League and Southern Alliance for Clean Energy filed a Petition for Writ of Certiorari in the above reference case. On June 13, 2016, Duke Energy Carolinas, LLC, North Carolina Electric Membership Corporation and South Carolina Office of Regulatory Staff (Respondents) filed a Return in Opposition to the Petition for Writ of Certiorari. As S.C. Code Ann. § 58-33-140(1)(b)(Supp. 2014) makes SCDHEC a statutory party, SCDHEC is also a Respondent. For purposes of this case, DHEC joins in Respondents' Return Opposing the Petition for Writ of Certiorari. By joining the Return, DHEC does not waive and hereby reserves all authority and responsibility granted to it by law to make future environmental and permitting decisions regarding this project as may be presented to SCDHEC. Nothing in the record should be interpreted as agreement by SCDHEC that the project has met statutory or regulatory requirements applied and enforced directly by SCDHEC.

Thank you for your consideration.

Sincerely,

Susan A. Lake, Esquire
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Representing SC Department of Health
& Environmental Control

cc: Frank R. Ellerbe, III, Esquire
J. Blanding Holman, IV, Esquire
Christopher K. Descherer, Esquire
Gudrun Thompson, Esquire
Len S. Anthony, Esquire
Richard L. Whitt, Esquire
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Jeffrey M. Nelson, Esquire
Shannon B. Hudson, Esquire
Florence P. Belser, Esquire
Timika Shafeek-Horton, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appellate Case No. 2016-000839

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APPEAL FROM THE PUBLIC SERVICE COMMISSION **SC SUPREME COURT**
OF SOUTH CAROLINA

Docket No. 2013-392-E

Ex Parte: South Carolina Coastal Conservation League, and Southern Alliance for
Clean Energy, Petitioners

v.

Duke Energy Carolinas, LLC, South Carolina Office of Regulatory Staff, North Carolina
Electric Membership Corporation, South Carolina Department of Health and
Environmental Control, and Invenergy Thermal Development, LLC, Respondents.

In Re: Carolina Electric Membership Corporation for a Certificate of Environmental
Compatibility and Public Convenience and Necessity for the Construction and Operation of a
750MW Combined Generating Plant Near Anderson, SC.

CERTIFICATE OF SERVICE

I, Donna K. Hellerman, Administrative Legal Assistant for the South Carolina
Department of Health and Environmental Control, do hereby certify that I have on this 13th day
of June, 2016, served a copy of South Carolina Department of Health and Environmental
Control's Letter Joining Respondents' Return Opposing the Petition for Writ of Certiorari upon
all parties and counsel of record in the above-captioned case, via United States Mail, First Class,
postage prepaid, addressed as follows:

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Donna K. Hellerman

June 13, 2016
Columbia, South Carolina