

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

DEC 16 2016

SC Court of Appeals

Case No. 16-ALJ-07-0082-CC

A.O. Smith Corporation..... Appellant,

v.

South Carolina Department of Health and Environmental
Control and Town of McBee..... Respondents.

RESPONDENT TOWN OF MCBEE'S DESIGNATION OF MATTER

Respondent Town of McBee designates the following be included in the Record on
Appeal:

Orders

1. Order Granting Respondent's Motion to Dismiss (Sept. 9, 2016).
2. Order of Town of McBee Municipal Election Commission (Sept. 20, 2016).

Pleadings

3. Town of McBee's Verified Complaint (June 17, 2015).
4. A.O. Smith Corporation's Request for Final Review (Jan. 27, 2016)
5. A.O. Smith Corporation's Request for Contested Case Hearing (Mar. 15, 2016).

Motions

6. A.O. Smith Corporation's Notice of Motion and Motion to Intervene and Memorandum of Law in Support of Motion to Intervene (Feb. 2, 2016).

Transcripts

7. Hearing Transcript (Apr. 28, 2016).

Permits

8. Water System Operating Permit 131004.
9. Construction Permit 28475-WS.
10. Construction Permit 29779-WS.
11. Final Approval to Place into Operation Well No. 1 & 2 GAC Contractor Addition.
12. Final Approval to Place into Operation McBee Water System Well No. 2.

Other

13. Water Purchase Agreement between Town of McBee and Alligator ((Dec. 28, 1999).
14. Preliminary Engineering Report (Dec. 6, 2010).
15. Review of Town of McBee PER (June 10, 2011).
16. Letter from Town of McBee to A.O. Smith (Oct. 10, 2013).
17. Affidavit of John Campolong, Mayor of Town of McBee (Sept. 8, 2015).
18. Affidavit of Joseph W. McGougan (Sept. 9, 2015).
19. Affidavit of Joey Oliver (Sept. 9, 2015).
20. Statement of DHEC Staff Position (Feb. 12, 2016).
21. Letter from DHEC to Nexsen Pruet (Feb. 17, 2016).
22. Affidavit of Jeff Barron (Apr. 5, 2016).
23. Affidavit of Charles K. Parnell (Apr. 5, 2016).

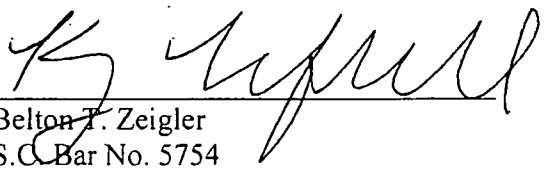
The below-signed certifies that this Designation contains no matter which is irrelevant to this appeal.

Signature Page Attached

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By:


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Attorneys for the Town of McBee

Columbia, South Carolina
December 16, 2016

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PROOF OF SERVICE

I, the undersigned Legal Assistant of the law offices of Womble Carlyle Sandridge & Rice LLP, Attorneys for Respondent, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

PLEADING: Respondent's Designation of Matter

PARTIES SERVED: Stephen P. Hightower
Assistant General Counsel
South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201

*Counsel for Respondent South Carolina Department of
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By: Debbie Johnson
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Columbia, South Carolina
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December 16, 2016

The South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
1220 Senate Street
Columbia, SC 29201

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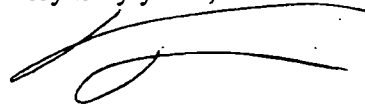
Re: A.O. Smith Corporation v. South Carolina Department of Health and Environmental
Control and Town of McBee
Appellate Case No. 2016-002108

Dear Ms. Kitchings:

Enclosed for filing in the case captioned above, please find the Initial Brief of
Respondent Town of McBee and its Designation of Matter. Please file the originals and return
clocked copies via our courier.

With kind regards, I remain

Very truly yours,



M. Todd Carroll

MTC/dj
Enclosures

cc: W. Thomas Lavender
Joan W. Hartley
Stephen P. Hightower