

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2016-001839
Case No. 2016-CP-40-3102

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JAN 8 0 2017

SC Court of Appeals

Richland County, South Carolina, Appellant/Respondent,

Central Midlands Regional Transit Authority, Intervenor/Respondent,

v.

The South Carolina Department of Revenue and
Rick Reames, III, in his official capacity as its Director Respondents/Appellants,

v.

Richland PDT, a joint venture consisting of
M.B. Kahn Construction, Co., Inc., ICA Engineering, Inc.,
and Brownstone Construction Group, LLC,
as a unit and Individually Third-Party Defendants.

**RETURN TO MOTION FOR CERTIFICATION
TO SOUTH CAROLINA SUPREME COURT
AND MOTION TO EXPEDITE APPEAL**

Intervenor/Respondent Central Midlands Regional Transit Authority ("CMRTA")
hereby files this Return whereby CMRTA expressly joins in and supports Appellant-
Respondent Richland County's Motion for Certification to the South Carolina Supreme
Court and Motion to Expedite Appeal.

Respondents-Appellants South Carolina Department of Revenue ("DOR") and Rick Reames, III, in his official capacity as its Director, seek to limit Richland County's expenditures from revenues collected pursuant to the Penny Tax.¹ Of the Penny Tax funds allocated to Richland County, CMRTA receives approximately 29% of the total funds. CMRTA is nearly wholly dependent on the proceeds of the Penny Tax for operation of its systems. Without such funding the bus system operated by the CMRTA would be significantly diminished causing Richland County residents to lose transportation services essential to their daily lives. Thus, any attempt by DOR to limit the amount of Penny Tax funds allocated to Richland County, will have a significant adverse impact on CMRTA.

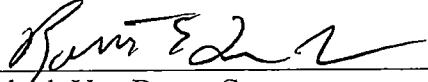
Rule 204(b) of the South Carolina Appellate Court Rules provides, "certification is normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance." The longer this lawsuit persists, the longer uncertainty remains about the lawfulness of the primary funding of bus operations. Being able to provide transportation service to the residents of the Midlands clearly qualifies as "a case involving an issue of significant public importance."

CMRTA supports Richland County's motion to expedite. For all parties involved, resolving this matter in an expeditious manner affords parties the ability to move forward. If the DOR's interpretation of the use of Penny Tax revenues is deemed correct, CMRTA will have to undergo immediate and significant steps to fund the operations of its transportation systems. The parties have a full understanding of the legal arguments so expediting the appeal does not impair any parties' ability to make its legal argument.

¹ S.C. Code Ann. §4-37-30 authorizes counties to enact an ordinance levying a one percent sales and use tax ("Penny Tax") as revenue for transportation facilities.

CMRTA respectfully requests the Court grant Richland County's Motion for Certification, and subsequently, to expedite the appeal.

Respectfully submitted,



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The Honorable Jenny Abbott Kitchings
Clerk of Court
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THE STATE OF SOUTH CAROLINA
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and Brownstone Construction Group, LLC,
as a unit and IndividuallyThird-Party Defendants.

PROOF OF SERVICE

I certify that I have caused to be served a copy of Intervenor/Respondent's Return to Motion for Certification to South Carolina Supreme Court and Motion to Expedite Appeal by serving as indicated below, on January 30, 2017, addressed to all counsel of records as follows:

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
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Via US Mail

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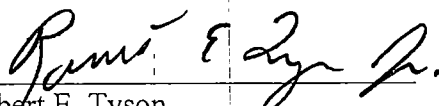
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January 30, 2017

Hand Delivered
The Honorable Daniel Shearouse
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South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

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JAN 30 2017

SC Court of Appeals

RE: Richland County, South Carolina v. The South Carolina Department of Revenue and Rick Reames, III, in his official capacity as its Director
Appellate Case Number: 2016-001839
Civil Action Number: 2016-CP-40-3102
Our File Number: 6908/1501

Dear Mr. Shearouse:

Please find enclosed for filing the originals and seven copies each of the Return to Motion for Certification to South Carolina Supreme Court and Motion to Expedite Appeal by Intervenor/Respondent Central Midlands Regional Transit Authority in the above referenced matter. Please file the original and return a clocked-in copy of each document to me by way of my courier.

By copy of this letter, I am serving copies on the Honorable Jenny Abbott Kitchings via hand delivery and upon all counsel of record via U.S. Mail. Thank you for your assistance in this matter.

Sincerely,

Robert E. Tyson, Jr.

RET:cls
Enclosures