

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
S. PHILLIP LENSKI, ADMINISTRATIVE LAW JUDGE

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RECEIVED

JUL 13 2017

SC Court of Appeals

Case No. 2012-ALJ-17-0031-CC  
Appellate Case No. 2017-001260

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South Carolina Department of Revenue,.....Appellant/Respondent,

Vs.

Duke Energy Corporation, .....Respondent/Appellant.

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**Motion to Request Transcript  
Out of Time**

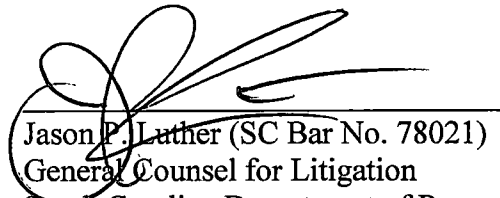
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The Appellant/Respondent, South Carolina Department of Revenue, respectfully requests this Court grant its Motion to Request the Transcript outside the deadline set by Rule 207, SCACR. The grounds for this request are as follows:

This appeal arises out of an Order Granting Petitioner's Motion for Summary Judgment, which was entered by the Honorable S. Phillip Lenski on April 28, 2017. The Appellant/Respondent timely filed a Notice of Appeal on May 30, 2017. Shortly thereafter, Milton G. Kimpson, the sole counsel of record for the Department of Revenue in this matter, departed from his position as General Counsel for the Department of Revenue, and Jason P. Luther was hired as the Department's new General Counsel for Litigation. In the midst of this transition, the undersigned inadvertently failed to order the transcript from the court reporter within the time period set forth in Rule 207, SCACR. Accordingly, the

Appellant/Respondent South Carolina Department of Revenue respectfully requests this Court permit it to order a transcript outside the deadline set by Rule 207, SCACR.

Respectfully submitted,



Jason P. Luther (SC Bar No. 78021)  
General Counsel for Litigation  
South Carolina Department of Revenue  
[Jason.Luther@dor.sc.gov](mailto:Jason.Luther@dor.sc.gov)  
803-898-5785

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PROOF OF SERVICE

I, Jean M. O'Connor, hereby certify that I have caused to be mailed via United States Postal Service, First Class Mail, postage pre-paid, a copy of the Motion to Request Transcript out of Time in the above-referenced case, July 13, 2017 addressed to the attorneys of record, Burnet R. Maybank, III, Esquire, Nexsen Pruet, P.O. Drawer 2426, Columbia, SC 29202-2426; Eric S. Tresh, Esquire, Eversheds Sutherland, LLP, 999 Peachtree Street NE, Suite 2300, Atlanta, GA 30309-3996; and Jeffrey A. Friedman Esquire, Eversheds Sutherland, LLP, 700 6<sup>th</sup> Street, NW, Washington, DC 20001 this 13<sup>th</sup> day of July, 2017.

  
Jean M. O'Connor



STATE OF SOUTH CAROLINA  
DEPARTMENT OF REVENUE

300A Outlet Pointe Blvd., Columbia, South Carolina 29210  
P.O. Box 12265, Columbia, South Carolina 29211-9979  
803-898-5130 Fax # 803-896-0171

July 13, 2017

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SC Court of Appeals

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

**Re: Duke Energy Corporation v. South Carolina Department of Revenue**  
**Case No. 12-ALJ-17-0031-CC**

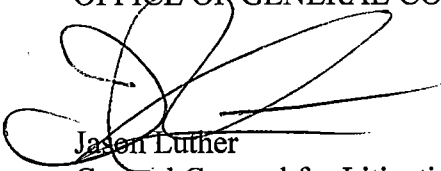
Dear Ms. Kitchings:

Enclosed please find the Motion to Request Transcript out of Time in connection with the above referenced matter. Also enclosed is a Proof of Service

Should you have any questions, please do not hesitate to contact me at 803-898-5785 or [Jason.Luther@dor.sc.gov](mailto:Jason.Luther@dor.sc.gov).

Sincerely,

OFFICE OF GENERAL COUNSEL FOR LITIGATION

  
Jason Luther  
General Counsel for Litigation

c: Burnet R. Maybank, III, Esquire  
Jeffrey A. Friedman, Esquire  
Eric S. Tresh, Esquire

Enclosures

JL:gjm