

92180

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
FEB 18 2020  
SC Court of Appeals

APPEAL FROM THE PUBLIC SERVICE COMMISSION

Appellate Case No. 2019-001354

Stephen and Beverly Noller and Michael and Nancy Halwig, ..... Appellants,

v.

Daufuskie Island Utility Company, Incorporated and South Carolina Office of Regulatory Staff,  
..... Respondents.

**JOINT MOTION (WITH CONSENT) FOR THIRD AND FINAL EXTENSION OF TIME  
TO SERVE AND FILE RESPONDENTS' INITIAL BRIEFS AND DESIGNATIONS OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to South Carolina Appellate Court Rules 240 and 263, the Respondent Daufuskie Island Utility Company, Inc. and the Respondent South Carolina Office of Regulatory Staff jointly move for an extension of thirty (30) days to file their Initial Briefs and Designations of Matter. The current deadline is March 6, 2020. Therefore, an additional thirty days would extend the deadline to April 5, 2020.

The additional time is requested to accommodate counsels' trial schedule and other case obligation. Specifically, counsel for Respondent Daufuskie Island Utility Company, Inc. ("DIUC") has a week-long trial beginning out of town on Monday, February 24, 2020, and the following week is scheduled for motions hearings involving several substantive motions. That case involves eight different governmental entities and was recently designated as complex by the presiding Chief Judge for Administrative Purposes.

Counsel for the Appellant has consented to this motion for an extension, which is the third and final request for an extension of this deadline. Acknowledging the unusual nature of a third extension request, the undersigned affirms that this motion is made in good faith for the reasons herein stated and not for the purpose of delay.



**Thomas P. Gressette, Jr. (SC Bar # 14065)**

Direct: (843) 727-2249

Email: [Gressette@WGFLAW.com](mailto:Gressette@WGFLAW.com)

**WALKER GRESSETTE FREEMAN & LINTON, LLC**

Mail: P.O. Drawer 22167, Charleston, SC 29413

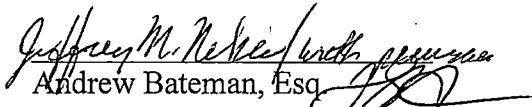
Office: 66 Hasell Street, Charleston, SC 29401

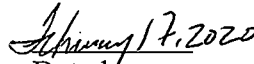
Phone: (843) 727-2200

**ATTORNEYS FOR THE RESPONDENT,  
DAUFUSKIE ISLAND COMPANY, INC.**

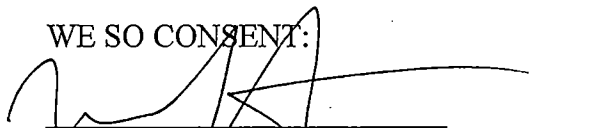
February 17, 2020  
Charleston, South Carolina

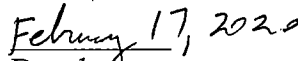
WE SO MOVE:

  
Andrew Bateman, Esq.  
Jeffrey M. Nelson, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
*Counsel for Respondent*  
*S.C. Office of Regulatory Staff*

  
Dated February 17, 2020

WE SO CONSENT:

  
Newman Jackson Smith  
Nelson Mullins Riley & Scarborough, LLP  
151 Meeting Street, 6th Floor  
Charleston, SC 29401  
*Counsel for Appellants*  
*Noller and Halwig*

  
Dated February 17, 2020

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE PUBLIC SERVICE COMMISSION FEB 18 2020

RECEIVED  
SC Court of Appeals

Appellate Case No. 2019-001354

Stephen and Beverly Noller and Michael and Nancy Halwig, ..... Appellants,


v.

Daufuskie Island Utility Company, Incorporated and South Carolina Office of Regulatory Staff,  
..... Respondents.

**PROOF OF SERVICE**

The undersigned hereby certifies that on this 17 day of February 2020, in Charleston, South Carolina, a copy of **RESPONDENTS' JOINT MOTION (WITH CONSENT) FOR THIRD AND FINAL EXTENSION OF TIME TO SERVE AND FILE RESPONDENTS' INTIAL BRIEFS AND DESIGNATIONS OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** was served on counsel of record, by placing same in the United States Mail, first class postage prepaid as follows:

Andrew Bateman, Esq. Jeffrey M. Nelson, Esq. Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 <i>Counsel for Respondent</i> <i>S.C. Office of Regulatory Staff</i>	Newman Jackson Smith Nelson Mullins Riley & Scarborough, LLP 151 Meeting Street, 6 <sup>th</sup> Floor Charleston, SC 29401 <i>Counsel for Appellants</i> <i>Noller and Halwig</i>
---	---

  
Kim H. Weldin



G. Trenholm Walker  
Thomas P. Gressette, Jr.  
Ian W. Freeman  
John P. Linton, Jr.  
Charles P. Summerall, IV  
Jennifer S. Ivey

THOMAS P. GRESSETTE, JR.  
Direct: 843.727.2249  
Email: Gressette@WGFLAW.com

February 17, 2020

**VIA FEDERAL EXPRESS – OVERNIGHT DELIVERY**

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

RECEIVED

FEB 18 2020

SC Court of Appeals

Re: Stephen and Beverly Noller and Michael and Nancy Halwig, Appellants v.  
Daufuskie Island Utility Company, Inc. and South Carolina Office of Regulatory Staff,  
Respondents  
Appellate Case No. 2019-001354

Dear Ms. Kitchings:

Enclosed please find the original plus seven (7) copies of Respondents' Joint Motion for Third and Final Extension of Time to Serve and File Initial Briefs in the above-referenced matter. Also enclosed is our firm check in the amount of \$50.00 constituting the filing fee. Please file the original and six (6) copies, pursuant to Rule 240 SCACR, and return a file-stamped copy to me in the enclosed, self-addressed, stamped envelope.

By copy of this letter, I am serving all counsel of record with the motion as set forth in the enclosed Proof of Service.

Thank you for your assistance in this matter.

Sincerely,

Thomas P. Gressette, Jr.

Encl.

cc: Newman Jackson Smith  
Andrew M. Bateman  
Jeffrey M. Nelson  
Jocelyn Boyd, PSC (via electronic filing)

00200

**FedEx** Express *Package US Airbill*

FedEx Tracking Number

8134 8037 0439

Form ID No. 0215

**1 From**

Date 02/17/2020

Sender's Name Thomas P. Walker Jr. Phone 647.715.7717

Company WALKER GRESSETTE FREEMAN & LIN

Address 66 HASELL ST Dept./Floor/Suite/Room \_\_\_\_\_

City CHARLESTON State SC ZIP 29401-1616

**2 Your Internal Billing Reference**

**3 To**

Recipient's Name Mr. Jimmy Wood Gillings Phone \_\_\_\_\_

Company SC Court of Appeals

Address 1170 ... Dept./Floor/Suite/Room \_\_\_\_\_

Address \_\_\_\_\_

City Charleston State SC

**4 Express Package Service** \* To most locations. Packages up to 100 lbs. For packages over 10 lbs, FedEx Express Flat Rate.

**Next Business Day**

FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

**2 or 3 Business Days**

FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

**5 Packaging** \* Declared value limit \$500.

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options** Fees may apply. See the FedEx Service Guide.

Saturday Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required  
Packages may be left without obtaining a signature for delivery.

Direct Signature  
Someone at recipient's address may sign for delivery.

Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

**Does this shipment contain dangerous goods?**

One box must be checked.

No  Yes As per attached Shipper's Declaration.  Yes Shipper's Declaration not required.  Dry Ice Dry Ice, 9, UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide.  Cargo Aircraft Only

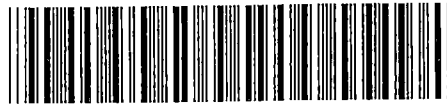
**7 Payment Bill to:**

Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender Acct. No. in Section 1 will be billed.  Recipient  Third Party  Credit Card  Cash/Check

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Credit Card Auth. \_\_\_\_\_

**RECEIVED**  
0190791438  
FEB 18 2020



8134 8037 0439

SC Court of Appeals

611

fedex.com 1800.GoFedEx 1800.463.3339

fedex.com 1800.GoFedEx 1800.463.3339

## Peel-and-Stick FedEx Express Package US Airbill

1. Complete front page of the airbill.
2. Retain "Sender's Copy" for your records.
3. Remove label backing.
4. Adhere airbill to front of package.

Please **DO NOT** remove "FedEx Copy."



PEEL FROM THIS CORNER.