

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM  
THE PUBLIC SERVICE COMMISSION

Appellate Case No. 2019-001354

RECEIVED

Apr 27 2020

SC Court of Appeals

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

v.

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

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Respondent Daufuskie Island Utility Company, Incorporated proposes the following be  
included in the Record on Appeal:

1. Order No. 2019-22-H of February 27, 2019;
2. Order No. 2019-424 of June 12, 2019;
3. Order No. 2019-523 of July 17, 2019;
4. Complaint of Appellants filed November 26, 2018;
5. Initial Response Letter of Respondent DIUC filed November 19, 2018;
6. Answer of Respondent DIUC filed December 17, 2018;
7. ORS Letter to Public Service Commission dated March 6, 2019;
8. Transcript of Proceedings from Commission hearing of March 20, 2019;
9. Appellant’s Motion for Reconsideration filed June 21, 2019;
10. Appellants Notice of Appeal filed August 15, 2019;

11. DIUC's Responses to ORS's First and Continuing Audit Information Request (with Verification);
12. Halwig Complaint with ORS, 2016-W-1682 (Compls. 0051);
13. ORS Letter to Halwig dated December 2, 2016 (Compls. 0053 to 0054);
14. Customer Service Agreement dated January 30, 2018 (Compls. 00153 to 00155);
15. Rebuttal and Surrebuttal Testimony of John Guastella (with Exhibits);
16. Rebuttal and Surrebuttal Testimony of Michael Guastella (with Exhibits);
17. Direct Testimony of Michael Guastella, p. 15 ll.1-14, pp. 12, ll. 25 to p. 15, ll.14;
18. Rebuttal Testimony of Michael Halwig at p. 6;
19. Rebuttal Testimony of Nancy Halwig at p. 6; and
20. Rebuttal Testimony of Beverly Noller at p. 6.

I certify that the foregoing Designation of Matter contains no matter which is irrelevant to this appeal.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr. (S.C. Bar #14065)

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

G. Trenholm Walker (S.C. Bar #5777)

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

**Walker Gressette Freeman & Linton, LLC**

P.O. Box 22167, Charleston, SC 29413

843-727-2200 Telephone

843-727-2238 Facsimile

ATTORNEYS FOR APPELLANT  
DAUFUSKIE ISLAND UTILITY CO., INC.

April 27, 2020  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM  
THE PUBLIC SERVICE COMMISSION

Appellate Case No. 2019-001354

RECEIVED

Apr 27 2020

SC Court of Appeals

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

I, Kim H. Weldin, a paralegal with Walker Gressette Freeman & Linton, LLC, hereby certify that I have served this 27<sup>th</sup> day of April 2020, Respondent Daufuskie Island Utility Company, Incorporated's Initial Brief and Designation of Matter on counsel of record, by placing same in the United States Mail, first class postage prepaid and/or via electronic mail to the following:

|                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Newman Jackson Smith, Esquire<br>Nelson Mullins Riley & Scarborough LLP<br>Post Office Box 1806<br>Charleston, SC 29401<br>Counsel for<br><a href="mailto:Jack.smith@nelsonmullins.com">Jack.smith@nelsonmullins.com</a><br><i>Counsel for Appellants Noller and Halwig</i> | Andrew Bateman, Esquire<br>Jeffrey M. Nelson, Esquire<br>Office of Regulatory Staff<br>1401 Main Street, Suite 900<br>Columbia, SC 29201<br><a href="mailto:jnelson@ors.sc.gov">jnelson@ors.sc.gov</a><br><a href="mailto:abateman@ors.sc.gov">abateman@ors.sc.gov</a><br><i>Counsel for ORS</i> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Kim H. Weldin

April 27, 2020  
Charleston, South Carolina



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

April 27, 2020

**Via US Mail**

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

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 one (1) copy of the Initial Brief of Respondent Daufuskie Island Utility Company, Inc., Designation of Matter, and Proof of Service. These documents were also submitted electronically to the Court of Appeals for filing on April 27, 2020, via the link at <https://sccourt-my.sharepoint.com>.

If I may answer any questions or provide additional information, please contact me at 843-727-2249 or [Gressette@WGFLAW.com](mailto:Gressette@WGFLAW.com).

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

Sincerely,

/s/  
Thomas P. Gressette, Jr.

Encl.

cc: Newman Jackson Smith  
Andrew M. Bateman  
Jeffrey M. Nelson

**RECEIVED**  
**Apr 27 2020**  
**SC Court of Appeals**