

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Appellate Case No. 2018-001165

Public Service Commission Docket No. 2018-2-E

RECEIVED
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S.C. SUPREME COURT

South Carolina Coastal Conservation League and
Southern Alliance for Clean Energy, Appellants,

v.

Dominion Energy South Carolina, Inc. f/k/a South Carolina
Electric & Gas Company, CMC Steel South Carolina, South
Carolina Energy Users Committee, South Carolina Solar
Business Alliance, LLC, Southern Current, LLC, and South
Carolina Office of Regulatory Staff, Respondents;

and

South Carolina Solar Business Alliance, LLC, Appellants,

v.

South Carolina Coastal Conservation League, Southern Alliance for Clean
Energy, Dominion Energy South Carolina, Inc. f/k/a South Carolina
Electric & Gas Company, CMC Steel South Carolina, South Carolina
Energy Users Committee, Southern Current, LLC, and South Carolina Office
of Regulatory Staff,

Of whom, Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company
and South Carolina Office of Regulatory Staff are..... Respondents.

**REPLY AFFIDAVIT IN SUPPORT OF MOTION
TO DISMISS APPEAL**

Before me personally appeared Daniel F. Kassis, who having first been duly sworn, deposes and states as follows:

1. I am the same Daniel F. Kassis who has filed a May 13, 2020 Affidavit in support of the above-referenced motion in this Court.

2. Based upon my position with Dominion Energy South Carolina, Inc., f/k/a South Carolina Electric & Gas Company (“Company”) described in my May 13, 2020 Affidavit, I am aware that no qualifying facility (“QF”) has held or currently holds a legally enforceable obligation (“LEO”) with the Company based upon or while the PR-2 rates were in effect.

3. A LEO is an obligation, not an option for a QF to sell power to a utility like the Company if and when the QF so chooses. In order for a LEO to exist, there must be sufficient commitments from a QF obligating itself to sell electricity to the utility at specified rates, terms, and conditions. The QF also must demonstrate that it has the ability to develop, construct and deliver power from its facility within a defined period after the LEO is established. A LEO cannot be established simply by a project developer’s statement that it intends to sell electricity to the utility in the future. Likewise, a LEO is not created when a project developer undertakes preliminary development steps that can be abandoned without material consequences (e.g., filing an interconnection request with the Company or self-certifying a proposed facility as a QF with the Federal Energy Regulatory Commission). Regardless, no LEO has or does exist with respect to the PR-2 rates approved in the Commission’s orders on appeal.

Pursuant to Section (c)(16) of Order 2020-04-03-01 of the South Carolina Supreme Court,
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing
statements made by me are willfully false, I am subject to punishment by contempt

Further Affiant Sayeth Naught.



Daniel F. Kassis

Dated this 2nd day of June, 2020

Columbia, South Carolina