

**RECEIVED**

**Jul 08 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the 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.

---

**CONSENT MOTION FOR LEAVE TO SERVE  
AND FILE A PROOF OF SERVICE FOR THE CORRECTED  
RECORD ON APPEAL OUT OF TIME**

---

Pursuant to South Carolina Appellate Court Rules 240 and 263, Appellants respectfully moves this Court for an order allowing Appellant to serve and file a Proof of Service for the Corrected Record on Appeal out of time. Appellants omitted by oversight certain pages of exhibits identified in the Designation of Matter to be Included in the Record on Appeal and have identified certain errors that need correction in the served Index and Record on Appeal. Appellants respectfully move to serve and file the Proof of Service for the Corrected Record on Appeal attached as Exhibit A out of time. Respondents' counsel have consented to this Motion.

Appellants respectfully request the Court to grant this Motion and in the interest of time requests that the Court accept the attached Proof of Service for the Corrected Record on Appeal for filing if the Motion is granted. Counsel for Respondents have consented to this Motion.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  \_\_\_\_\_

Newman Jackson Smith  
SC Bar No. 005245  
E-Mail: [jack.smith@nelsonmullins.com](mailto:jack.smith@nelsonmullins.com)  
Wendy Wilkie Parker  
SC Bar No. 14202  
E-mail: [wendy.parker@nelsonmullins.com](mailto:wendy.parker@nelsonmullins.com)  
151 Meeting Street / Suite 600  
Post Office Box 1806 (29402-1806)  
Charleston, SC 29401-2239  
(843) 853-5200

July 8, 2020

Attorneys for Appellants

Other Counsel of Record:

Andrew Bateman, Esq.  
Jeffrey M. Nelson, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
(803) 737-5230  
Attorneys for Respondent Office of Regulatory Staff

Thomas P. Gressette, Jr., Esq.  
Walker Gressette Freeman & Linton, LLC  
Post Office Box 22167  
Charleston, SC 29413  
(843) 727-2249  
Attorneys for Respondent Daufuskie Island Utility Commission

**RECEIVED**

**Jul 08 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the 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

**PROOF OF SERVICE**

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants Stephen and Beverly Noller and Michael and Nancy Halwig, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:                   **Consent Motion for Leave to Serve and File a Proof of Service for the Corrected Record on Appeal Out of Time**

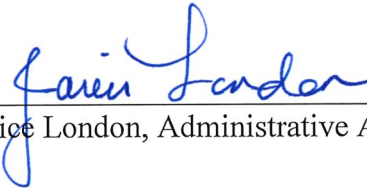
Served:                      Thomas P. Gressette, Jr., Esquire  
Walker Gressette Freeman & Linton, LLC  
66 Hasell Street  
Charleston, SC 29401

Andrew M. Bateman, Esquire  
South Carolina Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Jeffrey M. Nelson, Esquire  
South Carolina Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Joseph M. Melchers, Esquire  
Public Service Commission of SC  
Synergy Business Park  
101 Executive Center Drive  
Columbia SC 29210-8411

Jocelyn Boyd  
Chief Clerk/Executive Director  
Public Service Commission of SC  
Synergy Business Park  
101 Executive Center Drive  
Columbia SC 29210-8411



---

Janice London, Administrative Assistant

July 8, 2020



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Newman Jackson Smith  
T 843.534.4309 F 843.534.4350  
jack.smith@nelsonmullins.com

151 Meeting Street | Sixth Floor  
Charleston, SC 29401-2239  
T 843.853.5200 F 843.722.8700  
nelsonmullins.com

July 8, 2020

**Via Electronic Mail**

Thomas P. Gressette, Jr., Esq.  
Walker Gressette Freeman & Linton, LLC  
Post Office Box 22167  
Charleston, SC 29413

Andrew Bateman, Esq.  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

**RECEIVED**  
**Jul 08 2020**  
**SC Court of Appeals**

Re: Michael and Nancy Halwig and Stephen and Beverly Noller v. Daufuskie Island Utility Company, Inc.  
Appellate Case No. 2019-001354SC  
Public Service Commission Docket No.: 2018-364-WS  
NMRS File Nos.: 54041/09000 and 055561/09000

Dear Counsel:

Please find enclosed and served upon you a copy of my Consent Motion for Leave to Serve and File a Corrected Record on Appeal Out of Time in the above referenced matter which is being filed today. Also enclosed is our Corrected Record of Appeal with cover and Index and our Proof of Service.

By copy of this letter to Ms. Kitchings the Proof of Service is being filed with the Court, if the Court grants the Motion. Please let me know if you have any questions or corrections.

With best regards, I am

Very truly yours,

Newman Jackson Smith

NJS:jl

Thomas P. Gressette, Jr., Esquire  
And Andrew Bateman, Esquire  
July 8, 2020  
Page 2

Enclosures

cc: Ms. Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals  
Jeffrey M. Nelson, Esquire  
Joseph M. Melchers, Esquire  
Jocelyn Boyd, Clerk, Public Service Commission of SC

Newman Jackson Smith  
T 843.534.4309 F 843.534.4350  
jack.smith@nelsonmullins.com

151 Meeting Street | Sixth Floor  
Charleston, SC 29401-2239  
T 843.853.5200 F 843.722.8700  
nelsonmullins.com

July 8, 2020

Via Electronic Mail – ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Jul 08 2020**  
**SC Court of Appeals**

RE: Michael and Nancy Halwig and Stephen and Beverly Noller v. Daufuskie Island  
Utility Company, Inc. and South Carolina Office of Regulatory Staff  
SC Public Service Commission Docket No.: 2018-364-WS  
NMRS File Nos.: 54041/09000 and 055561/09000

Dear Ms. Kitchings:

Please find attached for electronic filing in the above matter, a Consent Motion for Leave to Serve and File a Corrected Record on Appeal Out of Time. Please file the attached document and if possible, return an electronic version to us bearing the Court's file stamp.

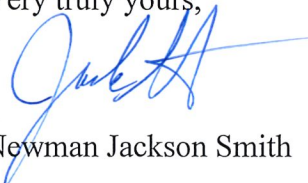
Pursuant to Administrative Order 2020-05-29-02, the required \$50 filing fee for this request will be sent to the Court under separate cover.

By copy of this letter to counsel of record, we are serving them with a copy of the above document.

If you have any questions concerning this request, please give me a call at the telephone number listed above. I appreciate your assistance in this matter.

With best regards, I am

Very truly yours,



Newman Jackson Smith

NJS:jl

Enclosures

cc: (via electronic mail and U.S. mail)

The Honorable Jenny Abbott Kitchings  
July 8, 2020  
Page 2

Thomas Gressette, Esquire  
Andrew M. Bateman, Esquire  
Jeffrey M. Nelson, Esquire  
Joseph M. Melchers, Esquire  
Jocelyn Boyd, Clerk, Public Service Commission of SC