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THE STATE OF SOUTH CAROLINA
In the Supreme Court

Sep 18 2020

S.C. SUPREME COURT

APPEAL FROM THE PUBLIC SERVICE COMMISSION

Public Service Commission Docket No. 2018-319-E

Duke Energy Carolinas, LLCAppellant-Respondent,

v.

Office of Regulatory Staff, Hasala Dharmawardena, CMC
Recycling, Cypress Creek Renewables, LLC, S.C. Department
of Consumer Affairs, Sierra Club, South Carolina Coastal
Conservation League, South Carolina Energy Users Committee
South Carolina Solar Business Alliance, Inc., the South
Carolina State Conference of the National Association for the
Advancement of Colored People, Upstate Forever, Vote Solar,
and Walmart, Inc., Respondents,

of whom South Carolina Energy Users Committee and The
South Carolina Office of Regulatory
Staff are Respondents-Appellants.

Appellate Case No. 2019-001900

And

Duke Energy Progress, LLCAppellant-Respondent,

v.

Office of Regulatory Staff, Nucor Steel-South Carolina, Cypress
Creek Renewables, LLC, S.C. Department of Consumer Affairs,
Sierra Club, South Carolina Coastal Conservation League,
South Carolina Energy Users Committee, South Carolina
Solar Business Alliance, Inc., the South Carolina State Conference
of the National Association for the Advancement of Colored
People, Upstate Forever, Vote Solar, and Walmart,
Inc., Respondents,

of whom the Office of Regulatory Staff isRespondent-Appellant.

Appellate Case No. 2019-001904

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
IN SUPPORT OF THE OFFICE OF REGULATORY STAFF

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Pursuant to Rule 213, SCACR, the South Carolina Farm Bureau Federation respectfully moves for leave to file an *amicus curiae* brief in support of Respondent the Office of Regulatory Staff. As permitted by Rule 213, SCACR, the *amicus curiae* brief is being conditionally filed with this motion.

Interest of Amicus Curiae

Agribusiness is one of the largest sectors of the South Carolina economy. The South Carolina Farm Bureau is a statewide organization that brings together farmers, ranchers, entrepreneurs, agribusiness professionals, and food enthusiasts to strengthen the future of agriculture in South Carolina. With approximately 90,000 members, the South Carolina Farm Bureau works at the federal, state, and local levels to develop and promote unified policy positions to help farmers and strengthen our economy.

As explained here, electricity is critical to modern farming. Farmers therefore have a strong interest in the rates that are approved by the Public Service Commission of South Carolina.

Desirability of Amicus Curiae Brief

An electric utility's rates "shall be just and reasonable." S.C. Code § 58-27-810. Determining what is just and reasonable requires a court to consider "all relevant facts." *S. Bell Tel. & Tel. Co. v. Pub. Serv. Comm'n*, 270 S.C. 590, 595, 244 S.E.2d 278, 281 (1978). This includes taking into account the "consumer interests." *Id.* at 596, 244 S.E.2d at 281.

The proposed *amicus curiae* brief discusses those interests from the perspective of farmers. Farmers use electricity in myriad ways, often using multiple (even dozens) of electric meters in their operations. Farmers also operate on narrow margins. Thus, even relatively small increases in electricity rates can have big impacts on farmers.

The proposed *amicus curiae* brief explores these issues, along with the substantial impact that farms and agriculture has on the South Carolina economy. These are important consumer interests the Court should take into account as it decides this appeal.

Respectfully Submitted,

s/ Wm. Grayson Lambert
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