

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Nov 09 2020

APPEAL FROM THE PUBLIC SERVICE COMMISSION S.C. SUPREME COURT

Appellate Case Nos. 2018-001165 and 2018-002117

Commission Docket No. 2018-2-E

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, 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

Appellant,

v.

South Carolina Coastal Conservation
League and Southern Alliance for Clean
Energy, South Carolina Electric and Gas, CMC
Steel South Carolina, South Carolina Energy
Users Committee, Southern Current, LLC, and
South Carolina Office of Regulatory Staff,

Of whom South Carolina Electric & Gas and
South Carolina Office of Regulatory Staff, are

Respondents.

MOTION FOR LEAVE TO FILE OUT OF TIME

Pursuant to Rule 240 and 263(b) of the South Carolina Appellate Court Rules (“SCACR”), Appellants South Carolina Coastal Conservation League and Southern Alliance for Clean Energy (together, “Conservation Groups”) respectfully request leave of this Court to file one business day out of time the accompanying Reply to Return to Petition for Rehearing. In support of this requested leave, the undersigned counsel for Conservation Groups state as follows:

Under Rules 240(f) and 263(a), SCACR, Conservation Groups’ Reply to Return to Petition for Rehearing was due on November 6, 2020; however, due to the factors described below the due date was inadvertently calendared internally as November 9, 2020. The error was not caught until the evening of November 8, 2020 due in part to the press of other business and transition of counsel and support staff related to this proceeding. The attorney who formerly represented Conservation Groups and handled all matters in this case, J. Blanding Holman, recently began new employment, and the administrative assistant responsible for scheduling and filing on behalf of counsel is currently transitioning out of her role. These changes, and their effect on this case, have been further complicated by the COVID-19 pandemic, as counsel continue to perform all of their job functions remotely.

Conservation Groups consulted with Respondent Dominion Energy South Carolina, Inc. (“Dominion”), and have included written confirmation from Dominion’s counsel stating that it does not intend to oppose this motion. The one business day extension should not prejudice any party in this proceeding. Conservation Groups regret any inconvenience this delayed filing has caused the Court.

RE: SCCCL and SACE v. Dominion; SCSBA v. Dominion; Appellate Case No. 2018-001156

John Hoefler <jhoefler@willoughbyhoefler.com>

Mon 11/9/2020 9:32 AM

To: Kate Lee <klee@selcsc.org>; Chad Johnston <cjohnston@willoughbyhoefler.com>;

Cc: Chris DeScherer <cdescherer@selcsc.org>;

Kate:

Good morning. DESC does not oppose the request.

John Hoefler

From: Kate Lee <klee@selcsc.org>
Sent: Sunday, November 8, 2020 8:06 PM
To: John Hoefler <jhoefler@willoughbyhoefler.com>; Chad Johnston <cjohnston@willoughbyhoefler.com>
Cc: Chris DeScherer <cdescherer@selcsc.org>
Subject: Re: SCCCL and SACE v. Dominion; SCSBA v. Dominion; Appellate Case No. 2018-001156

John and Chad,

Tomorrow, we plan to file a motion requesting leave to file a reply to Dominion's return one day out of time. We inadvertently calculated the deadline to be Monday rather than Friday, an error that was not caught until this evening in part due to press of other business and transition of counsel related to this proceeding. We are writing to ask whether you would consent to or oppose our request, and appreciate your consideration.

Thank you,

Kate Lee Mixson

Staff Attorney


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Respectfully submitted,

/s/ Christopher K. DeScherer

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/s/ Katherine N. Lee

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*Attorneys for South Carolina Coastal
Conservation League and Southern Alliance
for Clean Energy*

November 9, 2020