

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Feb 16 2021

SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
In the Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2020-001456

Case No. 2020-CP-08-00821

City of Goose Creek,.....Appellant,

v.

South Carolina Public Service Authority,.....Respondent.

SIXTY-DAY STATUS UPDATE

Appellant City of Goose Creek (“Goose Creek” or the “City”), in accordance with this Court’s December 17, 2020 Order staying this case, hereby provides the following status update in this matter. As background, Goose Creek moved to stay this appeal on December 7, 2020 because Respondent South Carolina Public Service Authority (“Santee Cooper”) and the owner of the aluminum smelting facility in Berkeley County which is at the center of this case, Century Aluminum of South Carolina, Inc. (“Century”), had reached an agreement to extend the current agreement to provide electricity to the facility through March 31, 2021, and had also reached an agreement in principle for the supply of power to the facility over the next three years on terms that would keep the facility open and operating. Goose Creek requested in its motion that the Court

stay this case until April 30, 2021 in order to allow Century and Santee Cooper to complete negotiations and implement agreements regarding the future supply of electricity to the facility.

Since the Court's December 17 Order, Goose Creek understands that Century and Santee Cooper have continued their negotiations regarding the future supply of electricity to the Century facility, and that the process remains ongoing. Goose Creek therefore respectfully requests that the stay ordered by the Court on December 17, 2020 remain in effect. Pursuant to the Court's instructions in the Order, Goose Creek will provide another status update to the Court regarding this matter within sixty days. Should the Court require additional information regarding this matter, counsel for Goose Creek will be happy to provide such information upon request.

[Signature on following page]

Respectfully submitted,

s/Mitchell Willoughby

Mitchell Willoughby, S.C. Bar No. 6161

Tracey C. Green, S.C. Bar No. 9342

Andrew R. Hand, S.C. Bar No. 101633

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Attorneys for Appellant

February 15, 2021
Columbia, South Carolina

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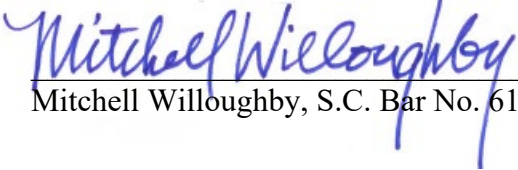
PROOF OF SERVICE

This is to certify that the undersigned counsel, a shareholder with the law firm Willoughby & Hoefler, P.A., has caused to be served this day one (1) copy of Appellant City of Goose Creek's **Sixty-Day Status Update** via electronic mail at the email address as stated in the Attorney Information System and as set forth below to the following:

John T. Lay, Jr., Esquire
Lindsay A. Joyner, Esquire
Jordan M. Crapps, Esquire
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Attorneys for Respondent South Carolina Public Service Authority

A copy of the email serving counsel for Respondent, is attached hereto.



Mitchell Willoughby, S.C. Bar No. 6161

February 15, 2021
Columbia, South Carolina

From: Mitchell Willoughby
Sent: Monday, February 15, 2021 4:46 PM
To: jlay@gwblawfirm.com; Lindsay Joyner; jcrapps@gwblawfirm.com
Cc: 'B. Rush Smith III'; 'Timothy A. Domin (tdomin@clawsonandstaubes.com)'; Tracey Green; Andrew R. Hand
Subject: City of Goose Creek v SC Public Service Authority | Appellate Case No. 2020-001456
Attachments: 2021-02-15 Filing ltr re Sixty-Day Status Update (Goose Creek v SCPSA).pdf; 2021-02-15 Sixty-Day Status Update (Goose Creek v SCPSA).pdf

Counsel,

As permitted by part (g)(3) of Supreme Court Order 2020-05-29-02, I am herewith serving via email Appellant City of Goose Creek's Sixty-Day Status Update in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals electronically as permitted by part c(6) of the Order, and will attach this email to the certificate of service of same.

Should you have any issues opening the attachments, please let me know. Thank you. With warmest regards,

Mitch



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WILLOUGHBY & HOEFER, P.A.
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***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

February 15, 2021

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201

RE: *City of Goose Creek, Appellant v. South Carolina Public Service Authority,
Respondent; Appellate Case No. 2020-001456*

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and in accordance this Court's Order dated December 17, 2020, please find the Sixty-Day Status Update of Appellant City of Goose Creek in the above-captioned matter. As permitted by Order 2020-05-29-02, part (d), no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Respondent via email as permitted by Order 2020-05-29-02, part (g)(3), and attached is a proof of service to that effect.

If you have any questions or need additional information, please do not hesitate to contact me. With warmest regards, I am,

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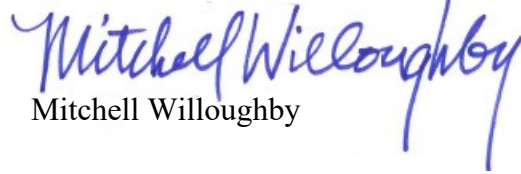
Feb 16 2021

SC Court of Appeals

(continued...)

Very truly yours,

WILLOUGHBY & HOEFER, P.A.


Mitchell Willoughby

MW/lla
attachments

cc: John T. Lay, Jr., Esquire
Lindsay A. Joyner, Esquire
Jordan M. Crapps, Esquire