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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM FAIRFIELD COUNTY
COURT OF COMMON PLEAS
THE HONORABLE DONALD B. HOCKER
CIRCUIT COURT JUDGE

CIVIL ACTION NO. 2017-CP-20-00458

Fairfield County,

RESPONDENT,

versus

South Carolina Electric &
Gas Company,

APPELLANT.

NOTICE OF APPEAL

The Defendant, South Carolina Electric & Gas Company n/k/a Dominion Energy South Carolina, Inc., appeals the Order of The Honorable Donald B. Hocker, dated and filed February 25, 2021, denying the Defendant's motion to dismiss for lack of subject matter jurisdiction. The order is immediately appealable because it "involv[es] the merits," S.C. CODE ANN. § 14-3- 330(1), and "affect[s] a substantial right," § 14-3-330(2).¹ Additionally, the provisions of the South Carolina Revenue Procedures Act, S.C. CODE ANN. §§ 12-60-10, *et seq.*, further provide that the order is immediately appealable.

¹ The Defendant is also filing a petition for a writ of certiorari, or, in the alternative, a writ of prohibition in the Supreme Court of South Carolina relating to the same order.

The Defendant received written notice of the entry of the order on February 25, 2021. A copy of the order is attached to this Notice as Exhibit A.

Respectfully submitted,

/s Carmen V. Ganjehsani

Steven J. Pugh (S.C. Bar No. 14341)
Anthony E. Rebollo (S.C. Bar No. 70488)
Benjamin P. Carlton (SC Bar No. 101142)
Carmen V. Ganjehsani (S.C. Bar No. 73515)
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
spugh@richardsonplowden.com
trebollo@richardsonplowden.com
bcarlton@richardsonplowden.com
cganjehsani@richardsonplowden.com

and

I.S. Leevy Johnson (S.C. Bar No. 3020)
George C. Johnson (S.C. Bar No. 9308)
JOHNSON TOAL & BATTISTE, P.A.
1615 Barnwell Street
Columbia, South Carolina 29201
(803) 252-9700
islj@jtbpa.com
george@jtbpa.com

and

Jonathan R. Chally (*pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street, NE, Ste. 1600
Atlanta, Georgia 30309
(404) 572-4600
jchally@kslaw.com
**ATTORNEYS FOR APPELLANT
SOUTH CAROLINA ELECTRIC & GAS
COMPANY n/k/a DOMINION ENERGY
SOUTH CAROLINA, INC.**

March 26, 2021.

Other Counsel of Record:

John F. McKenzie
Robert A. McKenzie
MCDONALD, MCKENZIE, RUBIN, MILLER
& LYBRAND, LLC
1704 Main Street
P. O. Box 58
Columbia, SC 29202
(803) 252-0500
jackm@mmrml.com
mckenzie@mmrml.com

Terry E. Richardson, Jr.
Brady R. Thomas
Daniel S. Haltiwanger
RICHARDSON THOMAS HALTIWANGER
MOORE & LEWIS, LLC
1730 Jackson Street
Barnwell, SC 29812
(803) 541-9625
terry@richardsonthomas.com
brady@richardsonthomas.com
dan@richardsonthomas.com

Edward J. Westbrook
Jerry H. Evans
Theodore (TAC) Hargrove, II
RICHARDSON PATRICK WESTBROOK
& BRICKMAN, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mount Pleasant, SC 29464
(843) 727-6500
ewestbrook@rpwb.com
jevans@rpwb.com
thargrove@rpwb.com
**ATTORNEYS FOR RESPONDENT
FAIRFIELD COUNTY**

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CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellant, South Carolina Electric & Gas Company n/k/a Dominion Energy South Carolina, Inc. do hereby certify that I have this date served the foregoing Notice of Appeal, dated March 26, 2021, and attached Order, by personally: (1) filing a copy of the same with The Honorable Judy Bonds, Fairfield County Clerk of Court, using the South Carolina Courts E-Filing System; and (2) pursuant to Section (g)(3) of the Supreme Court's Amended Order dated May 29, 2020, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

John F. McKenzie
Robert A. McKenzie
MCDONALD, MCKENZIE, RUBIN, MILLER
& LYBRAND, LLC
1704 Main Street
P. O. Box 58
Columbia, SC 29202
jackm@mrrml.com
mckenzie@mrrml.com

Edward J. Westbrook
Jerry H. Evans
Theodore (TAC) Hargrove, II
RICHARDSON PATRICK WESTBROOK
& BRICKMAN, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mount Pleasant, SC 29464
ewestbrook@rpwb.com
jevans@rpwb.com
thargrove@rpwb.com

Terry E. Richardson, Jr.
Brady R. Thomas
Daniel S. Haltiwanger
RICHARDSON THOMAS HALTIWANGER
MOORE & LEWIS, LLC
1730 Jackson Street
Barnwell, SC 29812
terry@richardsonthomas.com
brady@richardsonthomas.com
dan@richardsonthomas.com

ATTORNEYS FOR RESPONDENT FAIRFIELD COUNTY

A copy of the sent email is attached to this Certificate of Service.

/s Carmen V. Ganjehsani _____

Carmen V. Ganjehsani

S.C. Bar No. 73515

RICHARDSON, PLOWDEN & ROBINSON, PA

1900 Barnwell Street (29201)

Post Office Drawer 7788

Columbia, South Carolina 29202

(803) 771-4400

ATTORNEYS FOR APPELLANT

SOUTH CAROLINA ELECTRIC & GAS

COMPANY n/k/a DOMINION ENERGY

SOUTH CAROLINA, INC.

Dated: March 26, 2021.



COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202
1900 Barnwell St., Columbia, SC 29201 P 803-771-4400 F 803-779-0016

MYRTLE BEACH P.O. Box 3646 • Myrtle Beach, SC 29578
2103 Farlow St., Suite B, Myrtle Beach, SC 29577 P 843-448-1008 F 843-448-1533

CHARLESTON P.O. Box 21203 • Charleston, SC 29413
235 Magrath Darby Blvd., Mount Pleasant, SC 29464 P 843-805-6550 F 843-805-6599

www.RichardsonPlowden.com

REPLY TO: Columbia
E-Mail: cganjchsani@richardsonplowden.com
Direct Dial: (803) 253-8692

March 26, 2021

Via U.S. Mail and e-mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
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SC Court of Appeals

**Re: Fairfield County v. South Carolina Electric & Gas Company n/k/a
Dominion Energy South Carolina, Inc.
Case No. 2017-CP-20-00458
RPR File No.: 3637-00070**

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal of the Appellant, South Carolina Electric & Gas Company n/k/a Dominion Energy South Carolina, Inc., in the above-referenced case, along with a copy of the Order appealed from and our Certificate of Service. We are also filing this Notice of Appeal electronically with the Court of Appeals via e-mail at ctappfilings@sccourts.org pursuant to Section (c)(6) of the Supreme Court's Amended Order Regarding Operation of the Appellate Courts During the Coronavirus Emergency dated May 29, 2020.

Also enclosed is our firm's check in the amount of \$250.00 for the filing fee in this matter.

We have served this Notice of Appeal on the Clerk of Court for Fairfield County using the South Carolina Courts E-Filing System and via e-mail on all counsel of record pursuant to Section (g)(3) of the Supreme Court's Amended Order Regarding Operation of the Appellate Courts During the Coronavirus Emergency dated May 29, 2020.

We have already ordered and received a copy of the hearing transcript in the above-referenced matter. By our calculations, our Initial Appellant's Brief and Designation of Matter to be Included in the Record on Appeal are due Monday, April 26, 2021.

The Honorable Jenny Abbott Kitchings

March 26, 2021

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Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,


/s Carmen V. Ganjehsani

Carmen V. Ganjehsani

Enclosures

cc: John F. McKenzie (jackm@mmrml.com)
Robert A. McKenzie (mckenzie@mmrml.com)
Terry E. Richardson, Jr. (terry@richardsonthomas.com)
Brady R. Thomas (brady@richardsonthomas.com)
Daniel S. Haltiwanger (dan@richardsonthomas.com)
Edward J. Westbrook (ewestbrook@rpwb.com)
Jerry H. Evans (jevans@rpwb.com)
Theodore (TAC) Hargrove, II (thargrove@rpwb.com)
Steven J. Pugh (FYI)
Anthony E. Rebollo (FYI)
Benjamin P. Carlton (FYI)
I.S. Leevy Johnson (FYI)
George C. Johnson (FYI)
Jonathan R. Chally (FYI)

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US POSTAGE \$001.80⁰
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**RICHARDSON
PLOWDEN**
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202

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The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
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Columbia, SC 29211

