

**BRIEF OF APPELLANTS**  
**THE STATE OF SOUTH CAROLINA**  
In The Court of Appeals

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APR 12 2021

**SC Court of Appeals**

**APPEAL FROM THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

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Case No. 2020-001445

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Mr. Randy Gilchrist and Mrs. Cheryl Gilchrist

v.

Duke Energy Carolinas, LLC

Respondent

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**Motion to Remand Case to Public Service Commission**  
**For Hearing**

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Due to the Order of the Court filed March 19, 2021, striking various documents from appellants' Designation of Matter, the appellants move this court to remand this case back to the Public Service Commission (hereinafter PSC) for a hearing where appellants can present their evidence.

**BACKGROUND**

Appellants are in this court today because the PSC denied us an opportunity to properly present evidence at a hearing to support our claims. The appellants'

complaint filed with the Commission and subsequent motions filed with the Commissioners raised serious Constitutional issues relating to the installation of smart meters. This complaint was dismissed without a hearing wherein we could properly present evidence to substantiate our claim. The constitutional issues raised were ignored/not addressed. The appellants have followed the rules of procedure to the best of their ability. The dismissal of the complaint was followed by the appellants asking for reconsideration/rehearing, and when denied, the rules provide for an appeal to this court, and that is where we are today.

## ARGUMENT

Without the evidence which we have referred to and discussed in our initial brief, appellants are at a loss as to how to proceed with our final brief. The whole point of this appeal was to get the appeals court to either order a hearing by the PSC, or rule on the evidence as presented and issue an order instructing the lower court to order Duke Energy Carolinas, LLC, to replace the meter on our property as was demanded in our complaint to the PSC.

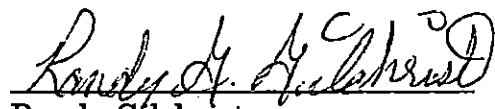
Due to the fact that appellants are again denied an opportunity to present evidence and without such evidence, our appeal is hindered, in the interests of justice and in order to not unnecessarily burden the court, we respectfully request the court for an order remanding this case back to the PSC for a hearing on the issues raised by the appellants in their complaint to the PSC. Please refer to our

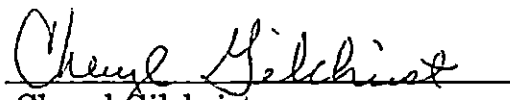
arguments in our motion which was filed February 22, 2021, to admit evidence as offer of proof.

WHEREFORE appellants respectfully move this court for an order remanding this case back to the PSC for a hearing where appellants can submit evidence to support their claim.

Dated April 6, 2021

Randy and Cheryl Gilchrist  
Appearing Pro Per/Appellant

  
Randy Gilchrist

  
Cheryl Gilchrist

Mr. and Mrs. Randy Gilchrist  
3010 Lake Keowee Lane  
Seneca, SC 29672  
Phone: 864.903.0375  
Appearing Pro Per/Appellants

Parties of Record:

Honorable Jocelyn C. Boyd, Chief Clerk/Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Suite 100  
Columbia, SC 29210

Attorneys for Respondent, Duke Energy Carolinas, LLC:

Samuel J. Wellborn, Esq.  
Heather Shirley Smith, Esq.  
Katie Michelle Brown, Esq.

Robinson Gray Stepp & Laffitte, LLC  
P.O. Box 11449  
Columbia, SC 29211

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Appellants

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**PROOF OF SERVICE**

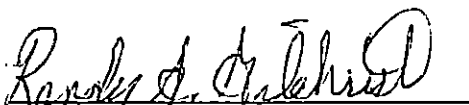
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We certify that we have served a copy of the Appellants' Motion to Remand Case to Public Service Commission For Hearing on all the parties of record by depositing it in the United States mail, postage pre-paid on

April 6, 2021, sent to the addresses on page two.

April 6, 2021

Randy and Cheryl Gilchrist  
Appearing Pro Per/Appellant

  
Randy Gilchrist

  
Cheryl Gilchrist

**Parties of Record:**

**Honorable Jocelyn C. Boyd, Chief Clerk/Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Suite 100  
Columbia, SC 29210**

**Attorneys for Respondent, Duke Energy Carolinas, LLC:**

**Samuel J. Wellborn, Esq.  
Heather Shirley Smith, Esq.  
Katie Michelle Brown, Esq.**

**Robinson Gray Stepp & Laffitte, LLC  
P.O. Box 11449  
Columbia, SC 29211**

*Randy and Cheryl Gilchrist*

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3010 Lake Keowee Lane  
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Phone: 864.903.0375

April 4, 2021

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**SC Court of Appeals**

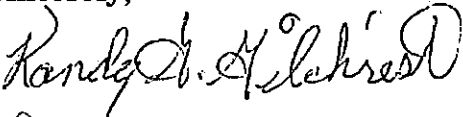
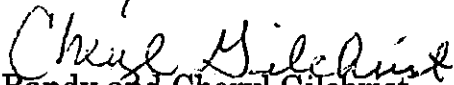
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Mr. Randy Gilchrist and Mrs. Cheryl Gilchrist, Appellants  
v. Duke Energy Carolinas, LLC, Respondent  
Case No. 2020-001445

Dear Ms. Kitchings:

Enclosed for filing is the Appellants' Motion to Remand Case to Public Service Commission For Hearing as well as the Proof of Service to parties of record. Enclosed is an original plus seven copies, one of which we request that you stamp and return to us in the enclosed, self-addressed stamped envelope. Thank you for your attention to this matter.

Sincerely,

  
  
Randy and Cheryl Gilchrist

Appearing Pro Per/Appellants

Mr. and Mrs. Randy Gilchrist

Cc:

Honorable Jocelyn C. Boyd, Chief Clerk/Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Suite 100  
Columbia, SC 29210

**Attorneys for Respondent, Duke Energy Carolinas, LLC:**

**Samuel J. Wellborn, Esq.  
Heather Shirley Smith, Esq.  
Katie Michelle Brown, Esq.**

**Robinson Gray Stepp & Laffitte, LLC  
P.O. Box 11449  
Columbia, SC 29211**

**Enc.: Proof of Service**

**Original and seven copies of Appellants' Motion**

Mr. & Mrs. R. Dilckrust  
3010 Lake Keowee Lane  
Seneca, SC 29672



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SC Court of Appeals

The Honorable Jerry Abbott Kitchings  
Clerk, So. Carolina Ct. of Appeals  
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