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APR 26 2021

THE STATE OF SOUTH CAROLINA

SC Court of Appeals

In The Court of Appeals

APPEAL FROM THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Case No. 2020-001445

Mr. Randy Gilchrist and Mrs. Cheryl Gilchrist

v.

Duke Energy Carolinas, LLC

Respondent

**Appellants' Reply to Respondent's Return
to Appellants' Motion to Remand Case to
Public Service Commission For Hearing**


This case concerns the appellants' right to privacy in their own home. The respondent refers to appellants' right to privacy as being "philosophically opposed" and claims that this opposition does not rise to the level of a judiciable controversy." The respondent also claims that our claim is not a Commission-jurisdictional violation" as required by SC Codes Annotated § 58-27-1940. Respondent also claims that the Commission "appropriately exercised its statutorily granted authority to dismiss the complaint without the need for a hearing."

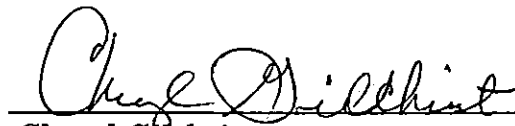
The appellants assert, however, that statutory and regulatory issues aside, the issue here is a constitutionally-protected right to privacy by both the South Carolina Constitution and the United States Constitution. The Public Service Commission (hereinafter "PSC") is bound by those constitutions, and therefore should have held a hearing on the right to privacy and allowed the Gilchrists to present their evidence that their rights are/were violated by the installation and use of a smart meter, over our objections.

WHEREFORE remand to the Commission is warranted and appropriate in this case. There is a glaring procedural defect that warrants remanding this case to the PSC for a hearing on the constitutionally-protected rights of the appellants which have been violated. Again, appellants respectfully move this court to remand this case back to the PSC for a hearing on the constitutional issues concerning the right to privacy.

Dated April 22, 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

v.

Duke Energy Carolinas, LLC
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PROOF OF SERVICE

We certify that we have served a copy of the Appellants' Reply to Respondents' Return to 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 22, 2021, sent to the addresses on page two.

April 22, 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
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Randy and Cheryl Gilchrist

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April 21, 2021

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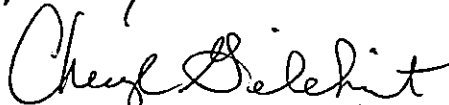
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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' Reply to Respondent's Return to 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.

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Columbia, SC 29211

Enc.: Proof of Service

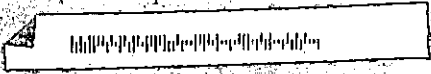
Original and seven copies of Appellants' Motion

Mr and Mrs. R. Gilchrist
3010 Lake Rowes Lane
Seneca, SC 29672



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

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