

C. DUKES SCOTT
EXECUTIVE DIRECTOR

1401 Main Street, Suite 900
Columbia, SC 29201



Phone: (803) 737-0800
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DAN F. ARNETT
CHIEF OF STAFF

jnelson@regstaff.sc.gov

Jeffrey M. Nelson
Counsel for ORS

March 13, 2009

VIA HAND DELIVERY

Charles L. A. Terreni, Esquire
Chief Clerk and Administrator
Public Service Commission of South Carolina
Post Office Box 11649
Columbia, South Carolina 29211

Re: Allowable Ex Parte Communication Briefing held on March 11, 2009

Dear Mr. Terreni:

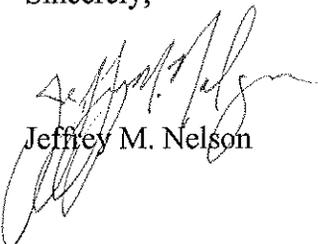
Pursuant to the provisions of S.C. Code Ann. § 58-3-260 (Supp. 2008) and as Mr. Scott's designee, I am attaching my certified statement with copies of the certified statements from all persons present (see sign in sheets also attached) at the March 11, 2009 Allowable Ex Parte Communication Briefing regarding the South Carolina v. North Carolina Catawba River Water Case. The Allowable Ex Parte Communication Briefing was held at 10:30 a.m.

Please find enclosed a copy of the verbatim transcript of the briefing and accompanying presentation materials. The two pages of accompanying presentation materials were the only written materials utilized or referenced at the briefing by any of the attendees or Commissioners.

It is my understanding that the transcript of the briefing will be posted on your website, and this transcript is incorporated by reference in all certified statements. The transcripts are intended to satisfy the summary requirement of § 58-3-260(C)(6)(a)(ii).

As required by law, please post all documents relating to these briefings on your website. Thank you for your assistance.

Sincerely,



Jeffrey M. Nelson

Enclosures

Allowable Ex Parte Communication Briefing

Attorney General of South Carolina

Briefing regarding *South Carolina v. North Carolina (Catawba River Water Case)*

Public Service Commission of South Carolina Hearing Room
 Synergy Business Park
 101 Executive Center Drive
 Columbia, South Carolina 29210

Wednesday, March 11, 2009 at 10:30 a.m.

(PLEASE PRINT)

NAME	ADDRESS	ORGANIZATION	EMAIL ADDRESS	PHONE NO.
✓ Jeffrey M. Nelson	1401 Main St., Suite 900, Columbia, SC	ORS	j.nelson@regstaff.sc.gov	737-0723
✓ Jo Wheat	101 Executive Ctr. Dr.	PSC		6-5100
✓ Jocelyn Boyd	"	"		6-5100
✓ Catherine Heigel	526 S. Church St. Charlottesville	Duke	cheigel@duke-energy.com	704-382-8123
✓ Tivika Shofek-Horta	"	Duke		
✓ Marilyn Linberger	"	Duke		

Allowable Ex Parte Communication Briefing

Attorney General of South Carolina

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 101 Executive Center Drive
 Columbia, South Carolina 29210

Wednesday, March 11, 2009 at 10:30 a.m.

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NAME	ADDRESS	ORGANIZATION	EMAIL ADDRESS	PHONE NO.
✓ Josh M. Myers	josh.m.y@psc.sc.gov	PSC		
* Snealy Reibold	101 main st	ORS		
✓ Shannon Hudson	1401 main st	ORS		
✓ Trey Walker	1000 Assembly St.	AG office	twalker@scag.gov	
✓ HENRY McMASTER	1000 Assembly St	ATTORNEY GENERAL'S		
✓ Childs Cantony	"	"	ccantony@scag.gov	
✓ Bob Corle	1000 Assembly	"	acorle@scag.gov	

Allowable Ex Parte Communication Briefing

Attorney General of South Carolina

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NAME	ADDRESS	ORGANIZATION	EMAIL ADDRESS	PHONE NO.
✓ Mark Park	1000 Assembly	AG		734-3270
✓ RANDE LOWELL				252-3300
✓ ALAN WILSON				252-3300
✓ Elizabeth Foy		ORS		
✓ David Butler		PSC		
✓ Douglas Smith		PSC		

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Attorney General of South Carolina

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NAME	ADDRESS	ORGANIZATION	EMAIL ADDRESS	PHONE NO.
✓ William Richardson	PSC	PSC		
✓ Joseph Melchees	PSC	PSC		
✓ Chairman Fleming				
✓ Vice Chairman Howard				
✓ Commissioner Mitchell				
✓ Commissioner Clyburn				

Allowable Ex Parte Communication Briefing

Attorney General of South Carolina

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Columbia, South Carolina 29210

Wednesday, March 11, 2009 at 10:30 a.m.

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NAME	ADDRESS	ORGANIZATION	EMAIL ADDRESS	PHONE NO.
✓ Melisa Johns		Duke Energy		
✓ Commissioner Whiffle		PSC		
✓ Commissioner Hamilton		PSC		
✓ Commissioner Wright		PSC		
✓ Charlie Terenzi		PSC		
✓ Deborah Easterlins		PSC		

Form #4
ALLOWABLE EX PARTE COMMUNICATION BRIEFING
CERTIFIED STATEMENT
(Attendee)

THIS CERTIFICATION IS TO:

- BE SIGNED BY **EACH** BRIEFING ATTENDEE **EXCEPT** COMMISSIONERS AND PUBLIC SERVICE COMMISSION EMPLOYEES, AND
- BE FILED WITH THE OFFICE OF REGULATORY STAFF [1401 MAIN STREET, COLUMBIA, SOUTH CAROLINA 29201] **WITHIN FORTY-EIGHT HOURS OF THIS BRIEFING.**

Name: <i>Jeffrey M. Nelson</i>	Date of Meeting: 3-11-09
Occupation: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>ORS</i>	Docket No.: <i>N/A</i>

By signing this Certification, I certify that:

1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [§58-3-260(C)(6)(a)(iii)]
2. I have accurately summarized the discussions occurring during the briefing in full either in the space below or on an attached sheet. If a sheet is attached, it is noted as being attached on the lines below. [§58-3-260(C)(6)(a)(ii)]

<i>See Transcript</i>

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.



Signature of Briefing Attendee

Date: 3-11-09

Form #5
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(Commissioner/Commission Employee)

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Name: <i>Jo M. WHEAT</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>COURT REPORTER</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

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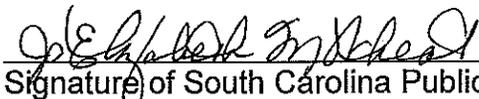
See Transcript

[Redacted]

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [S.C. Code Ann. §58-3-260(C)(6)(a)(ii)]

4. I will comply with State law requiring me to grant to every other party or person requesting an allowable ex parte communication briefing on the same or similar matter that is or can reasonably be expected to become an issue in a proceeding, similar access and a reasonable opportunity to communicate, directly or indirectly, regarding any fact, law, or other matter that is or can reasonably be expected to become an issue in a proceeding under the provisions of subsection S.C. Code Ann. §58-3-260(C)(6). [S.C. Code Ann. §58-3-260(C)(6)(a)(iv)]

This concludes my Certified Statement.



Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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Name: <i>Jocelyn Boyd</i>	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

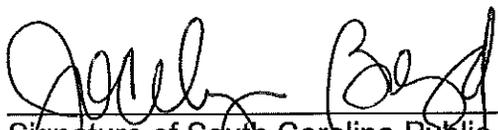
1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [S.C. Code Ann. §58-3-260(C)(6)(a)(iii)]
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See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [S.C. Code Ann. §58-3-260(C)(6)(a)(ii)]

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This concludes my Certified Statement.



Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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Name: <i>Catherine Heigel</i>	Date of Meeting: 3-11-09
Occupation: <i>Assoc. General Counsel</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Duke Energy</i>	Docket No.: <i>n/a</i>

By signing this Certification, I certify that:

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See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.

Catherine E. Heigel
Signature of Briefing Attendee

Date: 3-11-09

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Name: <i>Timika Shafeek-Horton</i>	Date of Meeting: 3-11-09
Occupation: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Duke Energy Corporation</i>	Docket No.:

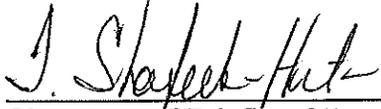
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See Transcript

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Signature of Briefing Attendee

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Name: <i>Marilyn Lineberger</i>	Date of Meeting: 3-11-09
Occupation: <i>Corporate Communications</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Duke Energy</i>	Docket No.:

By signing this Certification, I certify that:

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See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.


Signature of Briefing Attendee

Date: 3-11-09

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Name: <i>Sosh Minges</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

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See Transcript

[Redacted]

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [S.C. Code Ann. §58-3-260(C)(6)(a)(ii)]

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Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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Name: <i>Shealy Keibold</i>	Date of Meeting: 3-11-09
Occupation: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>ORS</i>	Docket No.: <i>N/A</i>

By signing this Certification, I certify that:

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See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.

Sherry Beland Ribold
Signature of Briefing Attendee

Date: 3-11-09

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Name: <i>Shannon Hudson</i>	Date of Meeting: 3-11-09
Occupation: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>ORS</i>	Docket No.: <i>None - See Matter above</i>

By signing this Certification, I certify that:

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<i>See Transcript</i>

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This concludes my Certified Statement.

Sharon B. Alden

Signature of Briefing Attendee

Date: 2-11-09

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Name: <i>Trey Walker</i>	Date of Meeting: 3-11-09
Occupation: <i>AC's office</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for:	Docket No.:

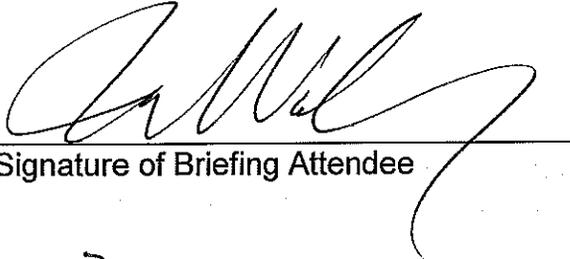
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Name: <i>HENRY M. MASTEL</i>	Date of Meeting: 3-11-09
Occupation: <i>ATTORNEY</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for:	Docket No.:

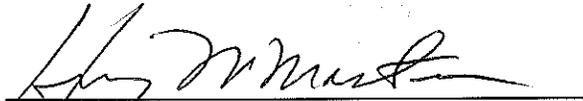
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Name: <i>Childs Courtney</i>	Date of Meeting: 3-11-09
Occupation: <i>Attorney</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>SC Attorney General's office</i>	Docket No.:

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This concludes my Certified Statement.

Childs Cautley
Signature of Briefing Attendee

Date: 3-11-09

Form #4
ALLOWABLE EX PARTE COMMUNICATION BRIEFING
CERTIFIED STATEMENT
(Attendee)

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- BE SIGNED BY **EACH** BRIEFING ATTENDEE **EXCEPT** COMMISSIONERS AND PUBLIC SERVICE COMMISSION EMPLOYEES, AND
- BE FILED WITH THE OFFICE OF REGULATORY STAFF [1401 MAIN STREET, COLUMBIA, SOUTH CAROLINA 29201] **WITHIN FORTY-EIGHT HOURS OF THIS BRIEFING.**

Name: <i>Robert D. Cook</i>	Date of Meeting: 3-11-09
Occupation: <i>Deputy Attorney General</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Attorney General</i>	Docket No.:

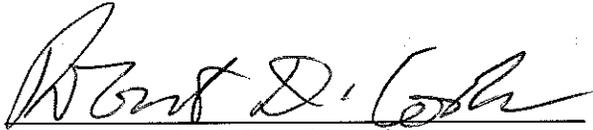
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2. I have accurately summarized the discussions occurring during the briefing in full either in the space below or on an attached sheet. If a sheet is attached, it is noted as being attached on the lines below. [§58-3-260(C)(6)(a)(ii)]

See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

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Name: <i>Mark Plouffe</i>	Date of Meeting: 3-11-09
Occupation: <i>Comm. Dir.</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Attorney General</i>	Docket No.:

By signing this Certification, I certify that:

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Name: <i>RANDY LOWELL</i>	Date of Meeting: 3-11-09
Occupation: <i>ATTORNEY</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for:	Docket No.:

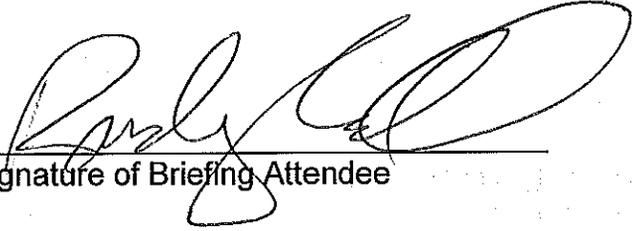
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Name: <i>ALAN WILSON</i>	Date of Meeting: 3-11-09
Occupation: <i>ATTORNEY</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for:	Docket No.:

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Alan Wilson

Signature of Briefing Attendee

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Name: <i>M. Elizabeth Ford</i>	Date of Meeting: 3-11-09
Occupation: <i>WWW Specialist</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>ORS</i>	Docket No.:

By signing this Certification, I certify that:

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<i>See Transcript</i>

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.

M. Elizabeth Ford

Signature of Briefing Attendee

Date: 3-11-09

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Name: <i>David Butler</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>Senior Counsel</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [S.C. Code Ann. §58-3-260(C)(6)(a)(iii)]
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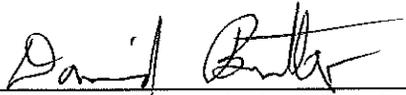
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Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09



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Name: <i>DOUGLAS PRATT</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>ENGINEER IV</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

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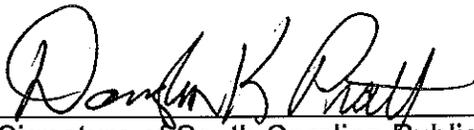
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Signature of South Carolina Public Service
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Name: <i>WILLIAM D. RICHARDSON</i>	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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See Transcript

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Name: <i>Joseph Melchers</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>Chief Counsel</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.: <i>N/A</i>

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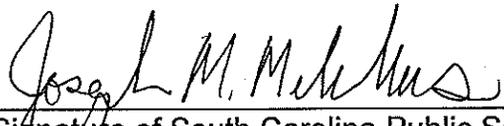
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Name: Chairman Elizabeth Fleming	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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Name: Vice Chairman Butch Howard	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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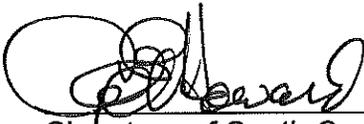
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Name: Commissioner Randy Mitchell	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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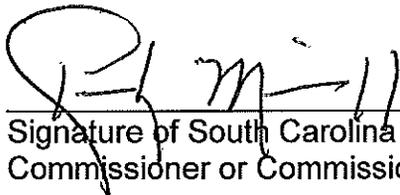
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Signature of South Carolina Public Service
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Name: Commissioner Mignon Clyburn	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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Name: <i>Melisa Johns</i>	Date of Meeting: 3-11-09
Occupation: <i>Director - Regulatory Affairs</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>Duke Energy</i>	Docket No.:

By signing this Certification, I certify that:

1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [§58-3-260(C)(6)(a)(iii)]
2. I have accurately summarized the discussions occurring during the briefing in full either in the space below or on an attached sheet. If a sheet is attached, it is noted as being attached on the lines below. [§58-3-260(C)(6)(a)(ii)]

See Transcript

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [§58-3-260(C)(6)(a)(ii)]

This concludes my Certified Statement.

Melissa B. Johns

Signature of Briefing Attendee

Date: 3-11-09

Form #5

**ALLOWABLE EX PARTE COMMUNICATION BRIEFING
CERTIFIED STATEMENT
(Commissioner/Commission Employee)**

THIS CERTIFICATION IS TO:

- BE SIGNED AND COMPLETED BY **EACH** COMMISSIONER AND PUBLIC SERVICE COMMISSION EMPLOYEES ATTENDING THE BRIEFING, AND
- BE FILED WITH THE OFFICE OF REGULATORY STAFF [1401 MAIN STREET, COLUMBIA, SOUTH CAROLINA 29201] **WITHIN FORTY-EIGHT HOURS OF THIS BRIEFING.**

Name: Commissioner Swain Whitfield	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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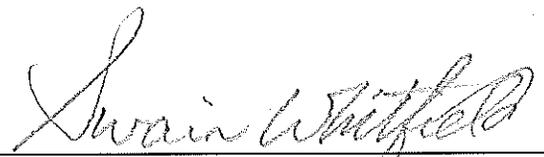
See Transcript

[Redacted]

3. I have attached copies of any written materials utilized, referenced, or distributed during the briefing. [S.C. Code Ann. §58-3-260(C)(6)(a)(ii)]

4. I will comply with State law requiring me to grant to every other party or person requesting an allowable ex parte communication briefing on the same or similar matter that is or can reasonably be expected to become an issue in a proceeding, similar access and a reasonable opportunity to communicate, directly or indirectly, regarding any fact, law, or other matter that is or can reasonably be expected to become an issue in a proceeding under the provisions of subsection S.C. Code Ann. §58-3-260(C)(6). [S.C. Code Ann. §58-3-260(C)(6)(a)(iv)]

This concludes my Certified Statement.



Signature of South Carolina Public Service
Commissioner or Commission Employee

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Name: Commissioner O'Neal Hamilton	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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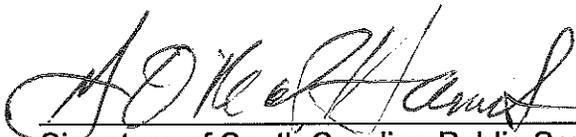
See Transcript

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Signature of South Carolina Public Service
Commissioner or Commission Employee

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Name: Commissioner David Wright	Date of Meeting: 3-11-09
PSC Position Title:	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [S.C. Code Ann. §58-3-260(C)(6)(a)(iii)]
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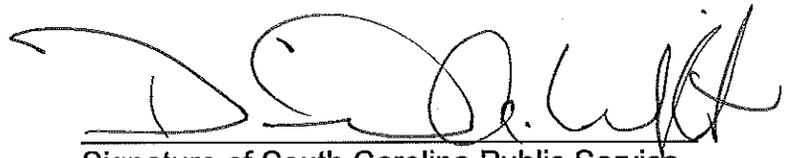
See Transcript

[Redacted]

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This concludes my Certified Statement.



Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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Name: <i>Charlie Terreni</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>Chief Clerk/Administrative</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

By signing this Certification, I certify that:

1. No commitment, predetermination, or prediction of any Commissioner's action as to any ultimate or penultimate issue or any Commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding was requested by any person or party nor any commitment, predetermination, or prediction was given by any Commissioner or Commission employee as to any Commission action or Commission employee opinion or recommendation on any ultimate or penultimate issue. [S.C. Code Ann. §58-3-260(C)(6)(a)(iii)]
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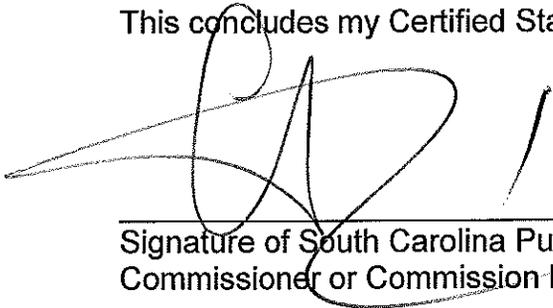
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This concludes my Certified Statement.



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left.

Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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Name: <i>Deborah Easterling</i>	Date of Meeting: 3-11-09
PSC Position Title: <i>Adm Asst</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
	Docket No.:

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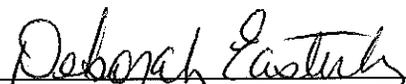
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Signature of South Carolina Public Service
Commissioner or Commission Employee

Date: 3-11-09

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(Attendee)**

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Name: <i>Willie Morgan</i>	Date of Meeting: 3-11-09
Occupation: <i>Engineer</i>	Matter: South Carolina v. North Carolina (Catawba River Water Case)
Attending on behalf of/for: <i>ORS</i>	Docket No.:

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Date: 3-11-09