

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013-__-E

IN RE:

Joint Petition of Mid-Carolina Electric Cooperative, Inc., Newberry Electric Cooperative, Inc., and South Carolina Electric & Gas Company for the Assignment and Reassignment of Territory in Lexington County and Approval of an Agreement to Limit Corridor Rights,

**JOINT PETITION FOR ASSIGNMENT
AND RE-ASSIGNMENT OF TERRITORY**

Mid-Carolina Electric Cooperative, Inc. ("Mid-Carolina"), Newberry Electric Cooperative, Inc. ("Newberry"), and South Carolina Electric & Gas Company ("SCE&G") (collectively, the "Petitioners") hereby jointly petition the Public Service Commission of South Carolina (the "Commission") for assignment and reassignment of certain territory in Lexington County, South Carolina and approval of an agreement to eliminate "corridor rights" in the specified area. This Joint Petition is made pursuant to The Territorial Assignment Act, S.C. Code Ann. §§ 58-27-610 to -690 (1976 & Supp. 2012).

I. Introduction

In support of this Joint Petition, Petitioners allege and show unto the Commission the following:

1. SCE&G is a corporation organized and existing under the laws of the State of South Carolina. Further, SCE&G is, in part, an electrical utility engaged in the generation, transmission, distribution, and sale of electricity to the public for compensation. SCE&G's retail electric operations are subject to the jurisdiction of the Commission. Additionally, SCE&G is an electric supplier as defined by the Territorial Assignment Act. S.C. Code Ann. § 58-27-610(1) (1976).

2. Mid-Carolina and Newberry are subject to the limited jurisdiction of the Commission as an electric supplier as defined by the Territorial Assignment Act. S.C. Code Ann. § 58-27-610(1) (1976).

3. The Commission may assign to electric suppliers areas outside the corporate limits of municipalities and that are more than 300 feet from the lines of electric suppliers. S.C. Code Ann. § 58-27-640 (1976).

4. Upon agreement of the affected electric suppliers, the Commission may reassign portions of previously assigned service areas. S.C. Code Ann. § 58-27-650(A) (Supp. 2012).

5. The Commission has the authority to approve agreements between electric suppliers concerning corridor rights. The Commission shall approve those agreements if, after giving notice and an opportunity for hearing to interested parties, it finds the agreements to be fair and reasonable. S.C. Code Ann. § 58-27-620(8) (Supp. 2012).

6. The Commission has previously exercised its statutory authority and assigned electric service territories within Lexington County, South Carolina, to Mid-Carolina and SCE&G. The Commission has left a portion of geographic area within Lexington County unassigned.

7. The herein proposed assignment and re-assignment of territories among the Petitioners will not cause any customers to change their service; that is, no customers will be affected by the Joint Petition.

8. **Exhibit 1**, attached to this Petition and incorporated herein by reference, is the "Key Map" that depicts the present and proposed assignment of territories in the affected portions of Lexington County. This Key Map is the result of lengthy good faith negotiations between Mid-Carolina, Newberry, and SCE&G to assign and re-assign various territories within Lexington County. The characteristics of the Key Map are as follows:

- a. On **Exhibit 1**, the affected portions of Lexington County are divided into grid blocks (*e.g.*, A2, D4). Each grid block represents a distinct portion of Lexington County, and is described in further detail by way of additional exhibits attached to this Joint Petition. These grid blocks depict the proposed assignment and/or reassignment of territory at the street level.
- b. On **Exhibit 1**, territory shaded in light green is presently assigned to Mid-Carolina.
- c. On **Exhibit 1**, territory that is shaded in dark green is presently assigned to SCE&G, but the Petitioners request that the territory hereafter be reassigned to Mid-Carolina.
- d. On **Exhibit 1**, territory that is shaded in light red is presently assigned to SCE&G.

- e. On **Exhibit 1**, territory that is shaded in dark red is presently assigned to Mid-Carolina, but the Petitioners request that the territory hereafter be reassigned to SCE&G.
- f. On **Exhibit 1**, in the inset box identified as "NEC" located in Grid Block A2, the territories therein consist of assigned and unassigned areas and are more fully described in Exhibit NEC.
- g. On **Exhibit 1**, the area that is shaded in purple represents a municipality; electric service within the municipality's boundary is governed by the municipality pursuant to certain franchise agreements. Therefore, electric service within this area is not affected by the Joint Petition.
- h. On **Exhibit 1**, territory that is shaded in grey represents territory that, although located in Lexington County, is not a part of this Joint Petition and the assignment of electric service in these areas are not affected.
- i. On **Exhibit 1**, the blue line which runs through Quadrants C1, C2, C3, D1, and D2 is referred to as the "Batesburg-Leesville" boundary and all the areas within this boundary represent territory that is not part of this Joint Petition and the assignment of electric service in this area is not affected. The area within the "Batesburg-Leesville" boundary was addressed by Commission Order No. 2010-376 issued in Docket No. 2010-67-E.

II. Request to Assign Area in Lexington County and Reassign Territory in Lexington County

9. **Exhibit NEC**, attached to this Joint Petition and incorporated herein by reference, depicts the present and proposed assignment and reassignment of territory in the subject portion of Lexington County.

10. **Exhibit NEC** contains areas of Lexington County that are both presently unassigned and presently assigned territory. The unassigned territory of the Exhibit is labeled as Section 1. The assigned territory of the Exhibit is labeled as Section 2, 3, and 4.

- a. On **Section 1** of **Exhibit NEC**, all the territory therein is presently unassigned territory. Petitioners request that the area shaded in dark blue be assigned to Newberry, that the area shaded in dark red be assigned to SCE&G, and that the area shaded in dark green be assigned to Mid-Carolina.
- b. On **Section 2** of **Exhibit NEC**, all the territory therein is presently assigned to Mid-Carolina. Petitioners request that the area shaded in dark blue be hereafter reassigned to Newberry and that area shaded in dark red be hereafter reassigned to SCE&G.

- c. On **Section 3** of **Exhibit NEC**, all the territory therein is presently assigned to SCE&G. Petitioners request that the area shaded in dark blue be hereafter reassigned to Newberry and that the area shaded in dark green be hereafter reassigned to Mid-Carolina.
- d. On **Section 4** of **Exhibit NEC**, all the territory therein is assigned to Mid-Carolina and will remain territory of Mid-Carolina.

11. As shown on **Exhibit 1** (Key Map) and enlarged on **Exhibits A2 - A3, B1 - B5, C1 - C6, D1 - D5, and E2 - E4**:

- a. the territory that is shaded in light green is presently assigned to Mid-Carolina.
- b. the territory that is shaded in dark green is presently assigned to SCE&G, but the Petitioners request that the territory hereafter be reassigned to Mid-Carolina.
- c. the territory that is shaded in light red is presently assigned to SCE&G.
- d. the territory that is shaded in dark red is presently assigned to Mid-Carolina, but the Petitioners request that the territory hereafter be reassigned to SCE&G.
- e. the area that is shaded in purple represents a municipality; electric service within the municipality's boundary is governed by the municipality pursuant to certain franchise agreements. Therefore, electric service within this area is not affected by the Joint Petition.
- f. the area that is shaded in grey is not addressed in the Joint Petition; accordingly, the grey area represents portions of Lexington County that are unaffected by the Joint Petition.

12. Petitioners respectfully request that the Commission assign the above detailed portions of Lexington County in accordance with the Petitioners' negotiated agreement.

13. Agreement to Limit Corridor Rights in Specified Areas

In the areas shown on the colored portion of **Exhibit 1**(all of Lexington County above the dashed line delineating the 2013 Filing Boundary) Petitioners own many miles of distribution lines that have "corridor rights;" therefore, by virtue of those corridor rights, each Petitioner is able to serve new customers located in territory assigned to another.

However, in order to avoid wasteful duplication of electric distribution lines and appurtenant facilities and to better operate their distribution systems safely, Petitioners have agreed that they will abandon said corridor rights and not assert a corridor right to serve a customer outside the territory assigned to that Petitioner in Lexington County as set forth in the above paragraph.

14. Petitioners allege that no facilities or territories of any other electric suppliers are affected by the changes Petitioners propose herein.

15. Petitioners allege that each is fully capable of furnishing adequate and dependable electric service in the areas that each now serves and would serve upon the Commission's granting of this Petition.

16. Petitioners have considered the public convenience and necessity in their negotiations and believe the assignment and reassignment of the above detailed territories are in the public interest and assert that the Commission's approval of this Petition will be in the public interest. By making the assignments of territory in the manner described in this Petition, Mid-Carolina, Newberry, and SCE&G have given careful consideration to system economy, service reliability and good utility practice, efficiency and safety – all of which support a finding that the assignment of territory set forth herein promotes public convenience and necessity. Moreover, the assignment and reassignment of these territories will avoid the duplication of utility facilities in these areas.

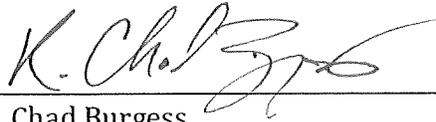
17. Petitioners respectfully request that the Commission determine this matter solely on the basis of this filing unless there are protests or petitions to intervene, and in that event, to set this matter for hearing and determination at the earliest possible date.

WHEREFORE, Mid-Carolina Electric Cooperative Inc., Newberry Electric Cooperative Inc., and South Carolina Electric & Gas Company, having jointly made petition to the Commission, pray that the Commission issue its order:

1. Accepting this Petition as filed;
2. Finding and Determining that the territorial assignments and reassignments as set forth in Paragraphs 8 through 17 are in accordance with the public convenience and necessity;
3. Reassigning to Mid-Carolina the territories detailed in the attached exhibits and described above;
4. Reassigning to Newberry the territories detailed in the attached exhibits and described above;
5. Reassigning to SCE&G the territories detailed in the attached exhibits and described above;

6. Assigning to Mid-Carolina the territories detailed in Exhibit NEC and described above;
7. Assigning to Newberry the territories detailed in Exhibit NEC and described above;
8. Assigning to SCE&G the territories detailed in Exhibit NEC and described above;
9. Approving the agreement among Petitioners wherein each has agreed not to assert corridor rights outside the territory assigned to them in the area described in Paragraph 13 above.
10. Amending the territorial assignment maps to reflect the assignments and reassignments requested herein.

Respectfully Submitted,



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Attorneys for Petitioner Mid-Carolina Electric
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~~Sept~~
August 17 2013

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

VERIFICATION

Personally appeared before me Robert Paulling who, being duly sworn, deposes and says that he is the Chief Executive Officer of the Petitioner, Mid-Carolina Electric Cooperative, Inc.; that he has read the foregoing Joint Petition and the matters alleged therein are true and correct to the best of his knowledge, information and belief based upon his personal knowledge and his review of the corporate records of Mid-Carolina Electric Cooperative, Inc. related to the matters alleged in the Joint Petition; and that he is fully authorized to verify the contents of the Joint Petition on behalf of Mid-Carolina Electric Cooperative, Inc.

Sworn to before me this
3rd day of September, 2013

Nick E. Ross-Bell

Notary Public for South Carolina

My Commission Expires: May 7, 2019

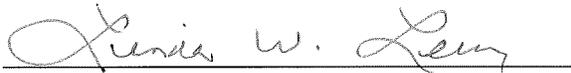
Robert Paulling
Robert Paulling

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

VERIFICATION

Personally appeared before me G. Keith Avery who, being duly sworn, deposes and says that he is the Chief Executive Officer of the Petitioner, Newberry Electric Cooperative, Inc.; that he has read the foregoing Joint Petition and the matters alleged therein are true and correct to the best of his knowledge, information and belief based upon his personal knowledge and his review of the corporate records of Newberry Electric Cooperative, Inc. related to the matters alleged in the Joint Petition; and that he is fully authorized to verify the contents of the Joint Petition on behalf of Newberry Electric Cooperative, Inc.

Sworn to before me this
9 day of September, 2013



Notary Public for South Carolina

My Commission Expires: 5-26-2019



G. Keith Avery

