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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

Document No. 4454  
**PUBLIC SERVICE COMMISSION**  
 CHAPTER 103  
 Statutory Authority: 1976 Code Section 58-3-140

103-811. Commissioners.

**Synopsis:**

At present, there are seven Congressional Districts in South Carolina. Regulation 103-811 currently references seven commissioners, one from each of six Congressional Districts and one at-large. However, at present, the Commission is a seven-member quasi-judicial body with a member from one of each of the seven Congressional Districts. S.C. Code Ann. Section 58-3-20 states, in part, that when there are seven Congressional Districts, a member representing the Seventh Congressional District must be elected. The current version of Regulation 103-811 must be repealed due to the amendment of S.C. Code Ann. Section 58-3-20.

The Notice of Drafting regarding this regulation was published on November 22, 2013, in the *State Register*.

**Instructions:**

Repeal Regulation 103-811.

**Text:**

103-811. Repealed.

**Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

**Statement of Rationale:**

The substance of Regulation 103-811 currently contains language that is inconsistent with the amended portions of S.C. Code Ann. Section 58-3-20. The rationale for repealing Regulation 103-811 is that S.C. Code Ann. Section 58-3-20 governs the election of Public Service Commission commissioners. There was no scientific or technical basis relied upon in the development of Regulation 103-811.

Document No. 4455  
**PUBLIC SERVICE COMMISSION**  
 CHAPTER 103  
 Statutory Authority: 1976 Code Section 58-3-140

103-817. Proceedings.

**Synopsis:**

Recently, the General Assembly of South Carolina amended S.C. Code Ann. Section 58-3-250 to allow the Public Service Commission to serve every final order or decision of the Commission by electronic service, registered or certified mail. The Commission routinely issues Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, and Notices of Hearing by regular or certified mail to the parties and other interested persons in a case. As S.C. Code Ann. Section 58-3-250 allows the Commission to serve its Orders by electronic service, registered or certified mail, the Commission seeks to amend Regulation 103-817

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to allow the Commission to forward to parties and interested persons its Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, and Notices of Hearing by electronic service or by U.S. Mail, including certified mail.

The Notice of Drafting regarding this regulation was published on November 22, 2013, in the *State Register*.

### Instructions:

Print Regulation 103-817 as shown below.

### Text:

103-817. Proceedings.

A. Nature of Proceedings. If required by law and upon filing of a pleading as set forth in R.103-819, et. seq., proceedings for the purpose of rulemaking, ratemaking, licensing, determining rights, duties, or privileges of any party, and undertaking an official inquiry for the purposes of gathering information or making determinations, which fall under the jurisdiction of the Commission, shall be conducted by one or more Commissioners, or by a hearing examiner through the development of a formal record.

#### B. Initiation of Proceedings.

(1) All proceedings shall be initiated by filing with the Chief Clerk at the business offices at the Commission an original and copies, as determined by the Commission, of an appropriate pleading unless otherwise provided, as designated in R.103-819, et seq.

(2) The Chief Clerk may refuse to accept for filing any pleading which does not conform to the rules of the Commission, and shall mail written notice to the party or the authorized representative within ten days after receipt, stating why it has not been accepted for filing.

#### C. Conduct of Proceedings.

(1) All pleadings initiating proceedings shall be dated upon receipt and shall be assigned a docket number after filing, and all subsequent pleadings or correspondence shall refer to that docket number. Pleadings will be captioned in accordance with R.103-819, et seq., and shall be processed pursuant to these rules.

(2) The Chief Clerk after filing of the pleadings shall give the Commission notice of such filing at the next regular meeting of the Commission. Where provided by law, any proceeding initiated under these rules may be disposed of without hearing by Order of the Commission within 14 days after the pleading has been accepted for filing, upon the written opinion of the Commission that the pleading on its face shows that a hearing is not necessary, in the public interest, or for the protection of substantial rights.

(3) After any pleading has been accepted for filing, the Chief Clerk may:

(a) Serve the pleadings, as required, in accordance with R.103-830, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish such notice one time in newspapers having general circulation in the State, or, if applicable, in newspapers having general circulation in the party's service area. Except for good cause shown, proof of publication must be filed on or before the return date. The Chief Clerk, pursuant to other rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of mailing be filed on or before the return date.

(b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Chief Clerk shall prepare a Notice of Hearing, and shall forward such Notice of Hearing to all parties. Proof of mailing must be placed in the formal record.

(c) Assign a time and place for any public hearing necessary in the conduct of any proceeding. The Chief Clerk shall likewise cause the pleadings to be served pursuant to these rules or issue written notice of the filing of pleadings which shall be published pursuant to law, and notice of the hearing date assigned for the conduct of any formal proceeding, as provided by law.

(d) The Chief Clerk shall forward a copy of a Notice of Filing, a Prefile Testimony Letter, or a Transmittal Letter to all parties by electronic service or by U.S. Mail. The Chief Clerk shall forward a Notice of Filing and

Hearing, a Notice of Hearing or any other document containing a hearing date to all parties by electronic service or by certified mail.

(e) Require from a person filing a pleading a letter incorporating a statement presenting the number of witnesses the person expects to offer in the proceeding and an estimate of the time required for the presentation of testimony and exhibits.

(4) Public hearings in the conduct of proceedings shall be held pursuant to R.103-836, et seq.

D. Final Disposition of Proceedings. Proceedings shall be concluded upon the issuance of an order by the Commission or upon a settlement or agreement reached by all parties to the proceedings and formally acknowledged by the Commission by issuance of an order.

**Fiscal Impact Statement:**

The Commission anticipates incurring some costs to configure its Docket Management System to electronically serve the documents referenced in the proposed Regulation 103-817; however, the Agency expects postage and other related costs to decrease when the proposed amendments are implemented.

**Statement of Rationale:**

The purpose for the proposed amendments to Regulation 103-817 is to recommend certain minor grammatical changes and to modify this Regulation to allow the Commission to serve certain procedural documents by electronic service and U.S. Mail. The proposed amendments promote an improved and more efficient process to serve parties with important Commission documents. There was no scientific or technical basis relied upon in the development of this regulation.