

2008-196-E

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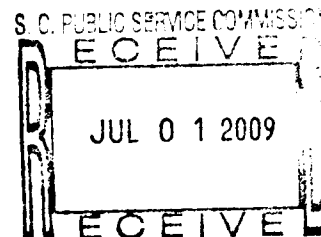
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June 29, 2009

The Honorable Daniel E. Shearouse
Clerk of Court, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211



RE: South Carolina Energy Users Committee v. The South Carolina Public Service
Commission, South Carolina Electric & Gas Company, and Office of Regulatory Staff
Our File No. 10.11

Dear Mr. Shearouse:

Enclosed please find a return on motion filed on behalf of South Carolina Electric & Gas Company in the above-captioned matter. I have enclosed an extra copy of this return which I would ask you to date stamp and return to me, via courier.

By copy of this letter I am serving all parties of record.

If you have any questions, please feel free to contact me.

Very truly yours,


Belton T. Zeigler

cc: Counsel of Record

Enclosure

RECEIVED

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

JUN 29 2009

S.C. SUPREME COURT

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2008-196-E
Tracking No. 2009-127906

JUL 01 2009

South Carolina Energy Users Committee,.....Appellant,

vs.

The South Carolina Public Service Commission, South Carolina
Electric & Gas, and Office of Regulatory Staff,.....Respondents.

RETURN TO MOTION

Respondent South Carolina Electric & Gas Company ("SCE&G") to the above-captioned appeal hereby responds to the Motion dated June 19, 2009 submitted by the Appellant, South Carolina Energy Users Committee ("Appellant"). In its Motion, Appellant seeks an order from the Court determining the identity of the parties for the purposes of service, briefing, and argument of the issues in this matter.

As an initial matter, SCE&G would note that Appellant has named the Public Service Commission of South Carolina ("PSC") as a respondent to its appeal. Appellant's Motion, however, is silent with regard to the PSC either as a party to be included or as a party to be excluded from this appeal. S.C. Code Ann. § 58-33-310 provides, in an appeal from a final order or decision of the PSC that "[t]he commission must not be a party to an appeal." As such, SCE&G would respectfully request, in addition to the relief sought below, that the Court issue an order expressly dismissing the

PSC from the above-captioned appeal and direct that the caption for this matter be amended to exclude reference to the PSC.

Secondly, SCE&G agrees with Appellant, for the reasons cited in its Motion, that the following parties to the underlying proceeding should not be considered parties to the above-captioned appeal filed by Appellant:

CMC Steel South Carolina
Pamela Greenlaw
Mildred A. McKinley
Lawrence P. Newton
Ruth Thomas
Maxine Warshauer and Samuel Baker
David L. Logsdon (South Carolina Department of Commerce)
John V. Walsh (South Carolina Department of Transportation)
David Owen (South Carolina Forestry Commission)
Roger Stroup (South Carolina Department of Archives & History)
South Carolina Department of Health & Environmental Control
South Carolina Department of Natural Resources
South Carolina Department of Parks, Recreation & Tourism
Town of Jenkinsville
Joseph Wojcicki

SCE&G further agrees with Appellant that the Office of Regulatory Staff, by operation of law, is a necessary party to this Appeal.

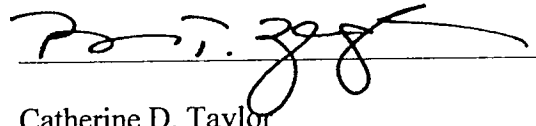
Finally, SCE&G does not agree with Appellant that Friends of the Earth is a party to the instant appeal. Friends of the Earth was not named by Appellant as a party in its Notice of Appeal. Friends of the Earth separately filed its own appeal of PSC Order No. 2009-104(A) on May 22, 2009 listing a different set of parties. Friends of the Earth has not moved to intervene or otherwise join in the appeal filed by Appellant. As stated in SCE&G's letter to the Court in the Friends of the Earth appeal (Supreme Court Tracking No. 2009-127968), dated June 23, 2009, Friends of the Earth has not met the requirements set forth in the S.C. Appellate Court Rules to perfect its appeal. The dates

for Friends of the Earth to order a transcript and to file its initial brief have passed without any comment or action on the part of Friends of the Earth in its appellate docket or in this one. SCE&G questions the continued validity of Friends of the Earth's appeal and does not believe that they are a proper party to this appeal.

WHEREFORE, SCE&G respectfully requests that the Court grant the relief sought by Appellant in its Motion except as to Friends of the Earth and declare that the parties to the instant appeal by Appellant are South Carolina Energy Users Committee, South Carolina Electric & Gas Company and Office of Regulatory Staff. SCE&G also requests that the Public Service Commission of South Carolina be excluded as a respondent to Appellant's appeal and that the caption be amended accordingly.

[Signature on Next Page]

Respectfully submitted,



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June 29, 2009

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2008-196-E
Tracking No. 2009-127906

South Carolina Energy Users Committee,.....Appellant,

vs.

The South Carolina Public Service Commission, South Carolina
Electric & Gas, and Office of Regulatory Staff,.....Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Pope Zeigler, LLC does hereby certify that he has served the parties listed below with a copy of the pleading indicated below by mailing a copy of same to them on June 29, 2009, in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked:

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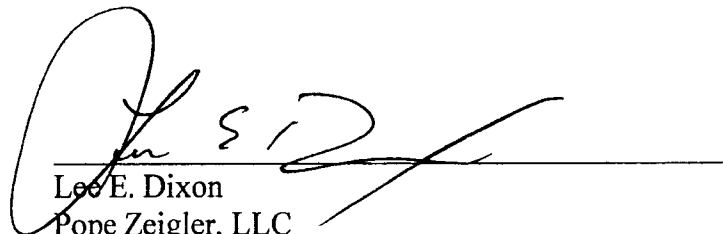
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June 29, 2009