Action Item 13

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER	☐	DATE	**September 01, 2010**
MOTOR CARRIER MATTER	☐	DOCKET NO.	**2005-83-A**
UTILITIES MATTER	☑	ORDER NO.	**2010-602**

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:
DOCKET NO. 2005-83-A - Public Service Commission of South Carolina - Administrative and Procedural Matters - Discuss with the Commission a Letter of Protest Form.

COMMISSION ACTION:
Approve the proposed Letter of Protest Form and adopt its use beginning as soon as it can be made available on the Commission website.

PRESIDING: Howard SESSION: Regular TIME: 2:30 p.m.

	MOTION	YES	NO	OTHER
FLEMING	☐	☑	☐	
HALL	☐	☑	☐	
HAMILTON	☐	☑	☐	
HOWARD	☐	☑	☐	
MITCHELL	☐	☑	☐	
WHITFIELD	☑	☑	☐	
WRIGHT	☐	☑	☐	

(SEAL)

RECORDED BY: J. Schmieding

Public Service Commission of South Carolina
101 Executive Center Dr., Suite 100
Columbia, SC 29210

Phone: 803-896-5100
Fax: 803-896-5199
www.psc.sc.gov

* Required Fields

Letter of Protest
in Docket * _____ - _____ - _____

Print

Date:

Protestant Information:

Name * _____

Mailing Address * _____

City, State Zip * _____

Phone * _____

E-mail _____

1. What is your connection or interest in this case? For example, are you a customer of the Company that is the subject of the pending proceeding? (This section should be completed. Attach additional information if necessary.)

2. Please give a concise statement of your protest. * (This section should be completed. Attach additional information if necessary.)

3. Do you wish to make an appearance at a hearing in this proceeding, if scheduled, and offer sworn testimony ? * (This section should be completed.)

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Instructions and Frequently Asked Questions for Completing a Letter of Protest

1. Please complete the attached form to file a Letter of Protest.
   a.) The form may be completed online, then printed and mailed, faxed or e-mailed to the Commission.
   b.) Alternately, a blank copy of the form may be printed, filled out, and then mailed, faxed, or scanned and e-mailed to the Commission.

2. What is a Letter of Protest?

   Answer: A Letter of Protest is recognized by the Rules of Practice and Procedure of the Commission. Under S.C. Code Regs. Ann. 103-827(A), a Letter of Protest is a writing filed with the Commission that "is intended to advise the Commission and all parties to a proceeding before the Commission of the fact and character of the protestant's objection to part or all of the subject matter of the proceeding."

3. What is a protestant?

   Answer: A protestant is defined by S.C. Code Regs. Ann. 103-804(R) as "[a]n individual objecting on the ground of a public or private interest to the approval of an application, petition, motion or other matter which the Commission may have under consideration. A protestant may offer sworn testimony without the privilege of cross-examination of witnesses offered by other parties."

4. Does the filing of a Letter of Protest make me a party of record to the proceeding?

   Answer: No, the filing of a Letter of Protest will not make the protestant a party of record. Should you desire to become a party of record to the proceeding, along with the rights and obligations that come with this status (for example, the right to cross-examine other witnesses), then you will need to file a Petition to Intervene as required by S.C. Code Regs. Ann. 103-825(A)(3).

5. How will my Letter of Protest be used?

   Answer: The Letter of Protest "will be placed in a public file associated with, but not part of the formal record, and will be available for such further exploration of the substantive matters raised therein by the Office of Regulatory Staff and other parties as may be appropriate." S.C. Code Regs. Ann. 103-827.

6. Is there any specific form required for a Letter of Protest?

   Answer: No specific form of protest is required. Completion of the attached form meets the information required to file a Letter of Protest.

7. If I prefer to send a letter rather than the attached form, is that a sufficient form of protest?

   Answer: Yes. A letter or other writing is a valid means of filing a protest. Under S.C. Code Regs. Ann. 103-827(B), "[t]he letter or writing should contain the name and address of the protestant, the proceeding or matter to which the protest is addressed, a concise statement of the protest, and whether the protestant wishes to make an appearance at a hearing, if scheduled."

   Should you wish to send a letter or writing, please send it to the following address:

   Public Service Commission of South Carolina
   101 Executive Center Drive, Suite 100
   Columbia, SC 29210

8. Are protestants permitted to provide oral testimony at a hearing, if scheduled in the proceeding?

   Answer: Yes. The Commission generally permits members of the public and protestants to state their position by giving sworn testimony on the subject matter of a proceeding at a hearing held for the purpose of receiving evidence.

9. Are protestants able to follow a proceeding using the Commission's official website?

   Answer: Yes. The Staff of the Commission posts to the Commission's website for review by the public orders issued by the Commission, motions filed by the parties, prefiled testimony filed by the parties, administrative instructions issued to the parties and notices of any hearings to be held in a proceeding, all of which should enable an interested person to stay informed about the status of a pending proceeding.