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Subject: 2nd Draft Amended Pro Se Litigant Guide in Accordance with Order No. 2021-110
Date: Thursday, September 23, 2021 12:31:00 PM
Attachments: 2nd Draft Amended Pro Se Litigant Guide.pdf

Good Afternoon,

In Accordance with Commission Order No. 2021-110 in Docket No. 2005-83-A, please find the Commission Staff's 2nd draft amended *pro se* litigant guide for your review. Staff also created some video content to include in the guide – these videos are linked in the document, and are also available at the following links for your convenience:

- Video One – "Pro Se Litigant Basics"
- Video Two – "Legal Resources"
- Video Three – "Your Hearing"

Please submit written comments regarding the 2nd draft amended guide to Docket No. 2005-83-A by **Friday, October 1, 2021.**

Thank you,

Afton

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~~*PRO SE* LITIGANT GUIDE~~

So, I'm going to Represent Myself Before the PSC. What's Next?

A *PRO SE* LITIGANT GUIDE

Publication of the Public Service Commissionof South Carolina

Revised May 2021 ~~Published February 2012~~

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This Guide is not intended to serve as legal advice to the reader, and the Commission is, in no way through publication of this Guide, attempting to replace the legal advice provided by an attorney licensed to practice law in South Carolina. In the unlikely event that this Guide contains a conflict with the law of the State of South Carolina or any other applicable law, the relevant applicable law prevails.

INTRODUCTION

WHAT IS A *PRO SE* LITIGANT?

A *pro se* litigant is someone who decides to represent himself or herself before the Public Service Commission ("Commission") without the assistance of a trained and licensed attorney. In most cases, a *pro se* litigant would be involved as either a person who files a complaint against a utility or transportation company regulated by the Commission, or a person who decides to intervene in a case that someone else has filed with the Commission.

"*Pro se*" is a Latin term that means "for yourself". The great majority of litigants who appear before the Commission are represented by an attorney who has been trained in the law and is familiar with the applicable court rules and procedures. Parties or litigants who are not represented by licensed attorneys are generally referred to as *pro se* parties or *pro se* litigants.

IS THERE AN ALTERNATIVE TO APPEARING *PRO SE* THAT IS AFFORDABLE?

If you would prefer to have an attorney represent you, but are unable to afford one, contact the South Carolina State Bar Association's Lawyer Referral Service at 800- 868-2284. The Lawyer Referral Service staff can explain the various options for obtaining and paying for legal services. There are other affordable options for legal assistance, including legal aid societies that may be able to help you obtain the services of an attorney at a reduced cost. See **Appendix A** for a list of legal resources.

WHAT INFORMATION IS CONTAINED IN THIS GUIDE?

This Guide will not answer all your questions about what you need to do to represent yourself effectively as a *pro se* litigant; however, the Guide outlines how you, as an individual representing yourself, may initiate or participate in a proceeding before the Commission. It also provides some general guidance on the hearing process associated with cases that come before the Commission. **You are responsible for learning about and following the procedures that**

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govern Commission filings and proceedings (Article 8 of the S.C. Code of Regulations 103-800 *et seq.*). The Commission is also governed by the Administrative Procedures Act. Although the staff of the ~~Clerk's Office~~ Commission can provide *pro se* litigants with general information concerning court rules and procedures, they are forbidden, as a matter of law, from providing legal advice, from interpreting and applying Commission rules, or otherwise participating in any action. Appendix B contains a quick reference guide and other frequently asked questions regarding *pro se* litigant representation.

~~CAUTION~~ **PLEASE NOTE:** Self-representation carries certain responsibilities and risks that *pro se* litigants should be aware of before they proceed. The Public Service Commission encourages all individuals who are thinking about *pro se* or self-representation to carefully review the risks and responsibilities associated with self-representation and to be mindful of the potential consequences. *Pro se* litigants are held to the same standards as attorneys, and will be treated as such by the Commission.

WHAT IS THE ROLE OF THE PUBLIC SERVICE COMMISSION?

The Commission regulates investor-owned electric utilities, gas utilities, telecommunications companies, water and wastewater utilities, and motor vehicle carriers as defined in Title 58 of the South Carolina Code. The Commission does **NOT** regulate broadband, cell phone service, or cable television. For a complete list of what is and is not regulated by the Commission, refer to Title 58 of the South Carolina Code of Laws (available online at http://www.scstatehouse.gov/code/t58c003.php).

The Commission's powers to regulate public utilities are described in S.C. Code Annotated Section 58-3-140(A) and are as follows:

> Except as otherwise provided in Chapter 9 of Title 58, the Commission is vested with the power and jurisdiction to supervise and regulate the rates and service of every public utility in South Carolina and to fix just and reasonable standards, classifications, regulations, practices, and measurements of service to be furnished, imposed, or observed, and followed by every public utility in the state.

WHAT IS THE ROLE OF THE OFFICE OF REGULATORY STAFF?

~~In proceedings before the Commission, the Office of Regulatory Staff ("ORS"), a state agency, represents the **public interest** in utility regulation by balancing the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina. ORS does not~~

~~represent individuals or entities.~~

~~ORS is a party to every proceeding before the Commission and may provide testimony and/or make recommendations, should it choose to participate.~~ The South Carolina Office of Regulatory Staff (ORS) represents consumers of investor-owned utilities in South Carolina before the Commission. The ORS must look at the impact to the consumer and utilities' continued investment in reliable and high-quality services. You can find out more about the Office of Regulatory Staff at ~~http://www.regulatorystaff.sc.gov~~ https://ors.sc.gov/ or by calling 800-922-1531.

WHAT IS THE ROLE OF THE DEPARTMENT OF CONSUMER AFFAIRS?

The South Carolina Department of Consumer Affairs (SCDCA) is the state consumer protection agency. SCDCA is the administrator and enforcer of the S.C. Consumer Protection Code ~~of Laws~~, as well as other regulatory statutes outside the Code. ~~Overall, the agency protects consumers while giving due regard to those businesses acting in a fair and honest manner.~~ SCDCA's ~~Its~~ mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.

Pursuant to S.C. Code Ann. § 37-6-604 (2018), ~~the Department~~ SCDCA may provide legal representation of the consumer interest before state and federal regulatory agencies when such agencies undertake to fix rates or prices for consumer products or services. As part of this role, SCDCA receives notice of filings that could impact customers' utility rates and may intervene as a party to advocate for their interests ~~of consumers~~ before the ~~South Carolina Public Service~~ Commission You can find out more about the SCDCA by visiting www.consumer.sc.gov or calling 1-800-922-1594.

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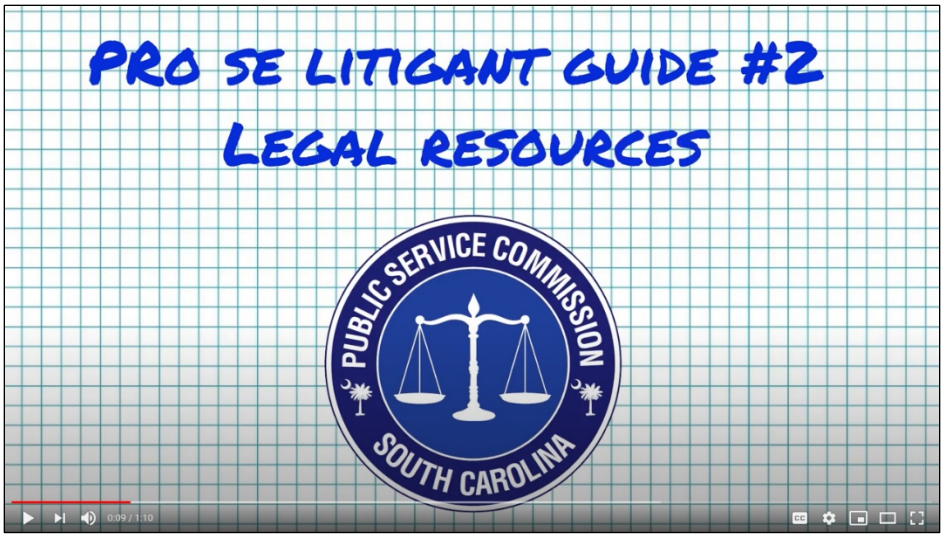
~~SECTION I~~ STEP 1 - GETTING STARTED

Most people who participate in cases filed with the Commission employ a licensed attorney who is familiar with the rules of procedure that govern court process. You have the right to pursue your claim before the Commission by appearing without representation or *pro se*. Bear in mind that as a *pro se* litigant, you are representing *only* yourself or presenting only *your* claim or defense. Under the law, you cannot speak for another person, company, or other entity, such as a club or association that includes other individuals. When you appear *pro se*, you must follow the same rules and procedures that licensed attorneys who practice before the Commission must follow. Generally, the Commissioners hold *pro se* litigants to the same standards of professional responsibility as trained attorneys.

Click the image above to view the video.

~~IS THERE AN ALTERNATIVE TO APPEARING *PRO SE* THAT IS AFFORDABLE?~~

If you would prefer to have an attorney represent you, but are unable to afford one, you should consider contacting the South Carolina State Bar Association's Lawyer Referral Service at 800-868-2284. The Lawyer Referral Service staff can explain the various options for obtaining and paying for legal services. There are other affordable options for legal assistance, including legal aid societies that may be able to help you obtain the services of an attorney at a reduced cost. See **Appendix A** for a list of legal resources.



Click the image above to view the video.

IF I PLAN TO REPRESENT MYSELF, WHERE CAN I GO TO REVIEW THE COMMISSION'S RULES OF PROCEDURE?

As a *pro se* litigant, you should familiarize yourself with the S.C. Code of Laws, specifically Title 58 which governs Public Utilities, Services and Carriers. This is available online at http://www.scstatehouse.gov/code/title58.php.

The Commission's regulations are located in Chapter 103 of the S.C. Code of Regulations. These are available online at ~~http://www.scstatehouse.gov/coderegs/c103.php~~ https://www.scstatehouse.gov/coderegs/Chapter%20103.pdf. Article 8 of Chapter 103 includes the Commission's Rules of Practice and Procedure. These rules set forth the general procedural requirements for litigating cases before the Public Service Commission.

The Commission is also governed by the Administrative Procedures Act (APA). The APA is available online at https://www.scstatehouse.gov/code/t01c023.php.

ARE THERE COURT FEES AND COSTS ASSOCIATED WITH FILING A COMPLAINT OR CASE BEFORE THE COMMISSION?

The Commission does not require filing fees. There are court reporter fees if you desire a copy of the hearing transcript. This fee schedule is available on the Commission's website.

IS IT POSSIBLE FOR ME TO SPEAK DIRECTLY TO A COMMISSIONER OR MEMBER OF THE COMMISSION STAFF ABOUT MY CASE?

In accordance with S.C. Code Ann. § 58-3-260, ~~T~~the Commissioners and the Commission staff are not allowed to communicate, directly or indirectly, in any issue with any person without notice and opportunity for all parties to participate in the communication. Further, no person is

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allowed to communicate, directly or indirectly, in any proceeding with any Commissioner, Hearing Officer, Hearing Examiner, or Commission employee without notice and opportunity for all parties to participate in the communication. Telephone or personal contact with Commission staff must be limited to specific scheduling inquiries.[1]

HOW DO I OBTAIN INFORMATION ABOUT THE STATUS AND PROGRESS OF MY CASE?

The Commission maintains a formal record or **"docket"** for every case. The docket is a chronological summary of the activity in a case. All notices, letters, petitions, testimony, directives, orders, etc. are contained in the docket. The Commission's Docket Management System (DMS) allows you to access the information in your docket via the internet (~~http://dms.psc.sc.gov/dockets~~ https://dms.psc.sc.gov/Web/Dockets). To access your docket, enter the assigned docket number. DMS Training Modules are available on the Commission's website and DMS at http://scetvradio.vo.llnwd.net/o33/EdDiv/PSC_DMS/Final/DMSandEFile_Menu_Jan9/index.html.

If you have questions regarding DMS, you can contact the Clerk's Office at 803-896-5100. If you wish to have a paper copy of your docket, the Clerk's Office will provide it to you for $.50 per page or can provide you an electronic link to a document. The Clerk's Office also can provide you with basic docket information over the telephone.

It is important that you realize that the Clerk's Office does not know and cannot provide you with the reasons for a Commission decision. Nor is the Clerk's Office in a position to know when a Hearing Examiner or the Commission will respond to a motion or issue a ruling in a case. The Hearing Examiner assigned to your case can respond to specific questions regarding scheduling.

The choice to be a *pro se* litigant is yours to make. The steps identified in this guide show that it can require a significant commitment of time.

[1] ~~S.C. Code Ann. § 58-3-260~~

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~~SECTION II -~~ TERMS and LEGAL DEFINITIONS

Applicant. A party on whose behalf an application is made to the Commission for any permission or authorization which the Commission may grant pursuant to statutory or other proper authority.

Commission and Commissioner. The South Carolina Public Service Commission and a Commissioner thereof, respectively.

Complainant. A party who complains to the Commission of anything done, or omitted to be done, in contravention or violation of the provisions of any statute or other delegated authority administered by the Commission, or of any order, rule or regulation issued or promulgated thereunder, or any other alleged wrong within the jurisdiction of the Commission.

Defendant. A party who is subject ~~to statute or other delegated~~ to the authority ~~administered by~~ of the Commission, or any order, rule or regulation of the Commission ~~issued or promulgated thereunder~~, and against whom any complaint is filed.

Docket. The documentation pertaining to a proceeding before the Commission, including the following: (1) the designation of the presiding officer; (2) proofs of publication and notification; (3) all pleadings and intermediate rulings; (4) the transcript or official record of hearing which shall include all evidence received or considered; (5) a statement of matters officially noticed; (6) all questions and offers of proof, objections and rulings thereof; (7) proposed findings and exceptions, if any; any decision, opinion or report by the presiding officer; (8) all memoranda or data submitted to the hearing officer or members of the Commission in consideration of a proceeding; and the order making final disposition of the matter.

Hearing Examiner. A member of the Commission staff ~~duly appointed and~~ designated by the Commission to serve as a presiding officer for a proceeding before the Commission.

Hearing Officer. An attorney qualified to practice in all courts of South Carolina, with a minimum of eight years' practice experience, and who is employed by the Commission to hear and determine procedural motions or other matters not determinative of the merits of the proceedings and made prior to the hearing. At the hearing, a hearing officer shall make all rulings on nondispositive motions and objections. The hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and the admission of evidence but may not participate in the determination on the merits of the case. If qualified, a Commission staff attorney may serve as a hearing officer.

Intervenor. A person who files a Petition to Intervene in a proceeding before the Commission, as provided by Regulation 103-825, and has obtained the approval of the Commission or presiding officer of such petition. Admission as an intervenor shall not be construed as

recognition by the Commission that such intervenor might be aggrieved by any order of the Commission in such proceeding.

Investor-Owned Utility. A **gas and water/wastewater utility** provider as defined in Section 58-5-10, **telephone utility** as defined in Section 58-9-10, **government-owned telecommunications service provider** as defined in Section 58-9-2610, **radio common carrier** as defined in Section 58-11-10, **carriers** governed by Chapter 13 of Title 58, **railroads and railways** as defined in Section 58-17-10, **motor vehicle carrier** as defined in Section 58-3-10, or **electrical utility** as defined in Section 58-27-10.

Order. A written decision or opinion issued by the Commission representing the whole or any part of the decision ~~disposition (whether affirmative, negative, injunctive or declaratory in form)~~ of a proceeding before the Commission.

Party or Party of Record. A party in a proceeding before the Commission who is entitled to receive all documentary materials, pleadings, orders or other dispositions of matters relevant to the proceeding. Parties of record will include applicants, complainants, defendants, respondents, and intervenors. Parties of record may file a petition for rehearing of Commission orders, pursuant to Regulation 103-854. The Office of Regulatory Staff shall be considered a party of record for the purposes of filing and receipt of pleadings and documentary materials, data requests, and for the conduct of proceedings.

Petitioner. A party seeking relief from the Commission.

Pro Se Litigant. A party or person (not a corporate or business entity) representing themselves in court without the assistance of an attorney are known as pro se litigants. "Pro se" is Latin for "in one's own behalf." You are held to the same standard as an attorney, meaning that you will be responsible for knowing all rules of court, procedure, and law and are expected to conduct yourself as would an attorney.

Protestant. A person who objects on the grounds of individual or public 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 having the privilege of cross-examining witnesses offered by other parties. A protestant desiring to become an intervenor in a proceeding before the Commission may file a Petition to Intervene. (See Appendix C for Petition to Intervene Template.)

Public utility[2]**.** **(Also referred to as "regulated utilities")** A gas and water/wastewater public utility as defined in Section 58-5-10, telephone utility as defined in Section 58-9-10, government-owned telecommunications service provider as defined in Section 58-9-2610, radio common carrier as defined in Section 58-11-10, carriers governed by Chapter 13 of Title 58, railroads and railways as defined in Section 58-17-10, motor vehicle carrier as defined in Section 58-23-10, or electrical utility as defined in Section 58-27-10.

[2] S.C. Code Ann. § 58-3-5 (6)

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Representation (per S.C. Code of Laws). The act of serving as counsel for a party, or of serving as the authorized representative of a party, in a proceeding before the Commission. Representation of a party of record in a proceeding shall include the right to offer evidence on behalf of the party represented and to cross-examine witnesses offered by other parties. Those persons who may act in a representative capacity are the following:

(a) An individual may represent himself or herself in any proceeding before the Commission.
(b) An attorney authorized to practice law in the state of South Carolina may represent a party in any proceeding before the Commission. An attorney not authorized to practice before the courts of the state of South Carolina, but authorized to practice before the courts of any other state, may represent a party in any formal proceeding before the Commission upon association with an attorney admitted to practice before the courts of South Carolina.

All persons acting in a representative capacity before the Commission shall be subject to any limitation imposed by statute or other proper authority.

Representation[3] (per S. C. Code of Regulations).

A. Parties and Their Representatives. Parties in a case have the right to participate or to be represented in all hearings, pre-hearing conferences, and other matters related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405 of the South Carolina Appellate Court Rules (SCACR). No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. Representation of Entities. Except as otherwise provided in 26 S.C. Code Ann. Regs. 103-805(E), any entity, including but not limited to a corporation, partnership, limited liability company, or professional association, <u>must</u> be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. Representation of Individuals. An individual person not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the Commission's regulations and the Administrative Procedures Act.

D. Notice of Appearance. An attorney or other person authorized to represent a party before the Commission pursuant to this regulation shall file with the Commission a Notice of Appearance when retained or authorized to represent a party after commencement of a case.

[3] 26 S.C. Code Ann. Regs. 103-805

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E. Unopposed Matters in Which an Entity May Proceed without Counsel. Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

1) Application for approval of a tariff
2) Application for approval of a contract
3) Application for approval of an interconnection agreement between telephone carriers
4) Application for approval of a name change
5) Application for a certificate of public convenience and necessity to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, or a taxi
6) Application of a mover of household goods for a certificate of public convenience and necessity

If an entity chooses not to utilize the services of an attorney, it shall include in its submission a written statement from its president, chairperson, general partner, owner, chief executive officer, or other authorized agent which states substantially thefollowing:

> "I am the [owner, officer, director, or agent] authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the Commission to allow the matter to proceed.

Respondent. A party who is subject to ~~any statute or other delegated~~ the authority of ~~administered by~~ the Commission and against ~~to~~ whom an order, notice, or rule to show cause is issued by the Commission instituting an investigation or a proceeding.

Staff Counsel. ~~Legal counsel~~ The Attorney who works for, and assists, ~~of~~ the Commission.

Why Regulate?

Public utilities are businesses which provide necessary services to the society via a monopoly. These businesses deal with the supply of electricity, gas, water, sewer, and transportation are all covered under "public utility services." All of these services are needed in the day-to-day life of people and businesses. Monopoly just means you, the consumer, has no choice as to who provides you with these resources. The government regulates monopolies to protect the interests of consumers. The Public Service Commission makes decisions about the services and rates of these monopolies in the public interest.

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~~SECTION III~~ STEP 2A – THE COMPLAINT PROCEDURE

Prior to filing ~~an official~~ a complaint with the Commission, ~~you should~~ contact the Office of Regulatory Staff at 803-737-5230 (Columbia, SC) or 800-922-1531 (toll free) or at ors.sc.gov in an attempt to **informally resolve** the issue. ~~ORS has certified mediators and offers free mediation services.~~ If you wish to file ~~an official~~ a complaint with the Public Service Commission, follow the instructions below.

TO FILE AN OFFICIAL COMPLAINT:

Complete the Complaint Form found on the Commission's website at ~~http://www.psc.sc.gov/consumer/info1.asp~~ https://psc.sc.gov/consumer-info/file-complaint. (See Appendix ~~A~~ C for sample form.)

- The form may be completed online then printed, and mailed or faxed to the Commission or emailed to contact@psc.sc.gov, or a blank copy of the form may be printed, filled out, and then mailed or faxed to the Commission.

- If additional documentation is necessary to supplement your complaint, attach it to the form. **Do not attach any documentation that contains personal identifying information such as social security numbers, driver's license numbers, checking account numbers, federal identification numbers, etc. without first deleting this information from the document.**

- Complete the Verification section of the form. The form must be dated and signed before it will be processed. If the complaint involves a utility account, the person filing the complaint must be the customer of record. ~~**The information presented in the complaint form will serve as your prefiled testimony for your case.** It is important that your Statement of Facts be accurate, specific, and concise.~~

- **The information presented in the complaint form will serve as your prefiled testimony for your case.** It is important that your Statement of Facts be accurate, specific, and ~~concise~~ complete. Because the State of Facts/Complaint will serve as your prefiled testimony, the Complaint must be detailed enough to inform the Commission and the utility of the alleged wrongdoing by the utility, as well as the rule or regulation the utility is alleged to have violated. If the Complaint does not state a claim that can be resolved by the Commission, your Complaint may be dismissed.

- Individuals do not need to have legal representation to represent themselves before the Commission, but a corporation, partnership, limited liability company, association, or group of people must be represented by legal counsel. Neither the Commission nor ORS can provide legal advice, although ORS may be able to discuss the facts and circumstances of your case.

- The Commission hears matters involving regulated utilities (see below) but cannot award any monetary damages. The Commission may order refunds for overpayments as a result

of billing errors.

What is a regulated utility?
Utility companies providing the following services:

Water	Telecommunications	Class C Taxi Carriers
Sewer	Class A/ A Restricted Motor Carriers	Class C Charter Carriers
Electricity	Class C Non-Emergency Carriers	Class C Charter Bus Carriers
Natural Gas	Class C Stretcher Van Carriers	Class E Household Goods Movers
	Class E Hazardous Waste Movers	

WHAT HAPPENS WHEN A COMPLAINT IS FILED WITH THE COMMISSION?

Your complaint will be processed by the Clerk's Office and assigned a docket number. After the Clerk's Office has assigned a docket number, you can review your case online by accessing the Commission's Docket Management System (DMS) at ~~http://dms.psc.sc.gov/dockets~~ https://dms.psc.sc.gov/Web/Dockets. To view your case, enter the docket number. The docket number is in the format yyyy-nnn-l (e.g. 2011- 002-A) and will be located on any correspondence to you from the Commission.

A Hearing Examiner will be appointed to your case, unless it involves a matter that must be legally heard by the full Commission or you choose to bypass the Hearing Examiner process and request that your complaint be heard before the entire Commission. You will then receive a letter notifying you of the date of your hearing before the Hearing Examiner and/or Commission.

If you request to bypass the Hearing Examiner process and request that your complaint be heard before the entire Commission, a hearing before the entire Commission will require longer time frames for the pre-filing of testimony and exhibits, including new prefiled testimony and exhibit deadlines for the direct testimony for the complainant/petitioner, and for the assignment of a hearing date, since the Commission hearing schedule has more assigned hearing dates than the hearing examiners.

After the docket is established, any mailings or requests to the Commission must also be provided to the defendant utility and any other parties who have been allowed to intervene in your case.

IMPORTANT! If your complaint involves a disputed bill amount, you must continue to make timely payments on any undisputed amounts on your account while your case is pending before the Commission or your service may be disconnected.

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~~SECTION IV~~ STEP 2B - PETITION TO INTERVENE IN AN ONGOING CASE

What does filing a Petition to Intervene mean?

- If granted, makes a person or entity a "party of record" in the case.
- Allows ~~intervenor~~ full participation, including cross-examination of witnesses at Merits Hearing.
- ~~Intervenor~~ ~~m~~Must abide by all Commission Rules and Regulations.

In order to intervene in a Commission docket, you must disclose the following (refer to the Petition to Intervene Template in Appendix ~~B~~ D):

- Who you are
- How you are connected to the case and your interest in the matter
- How the Commission's decision will directly affect you
- Your position in the matter, that is, w~~W~~hat you want the Commission to do

Important to Note:

- You do not have to file a Petition to Intervene in order to make a sworn statement and offer supporting paper ~~documentary~~ evidence to be included in the official record of a public hearing before the Commission, or to file a "Letter of Protest" in adocket. (See Appendix ~~C~~ E for Letter of Protest form.)
- All corporations, groups, and organizations~~entities, other than individuals representing only themselves,~~ must be represented by an attorney licensed to practice law in South Carolina. However, an individual may represent themselves.
- If you elect to intervene, you should be prepared to file your testimony in written form by a given date, ~~prefile testimony~~ and formally appear before the Commission to argue your case and present your evidence.
- Some intervenors choose not to present testimony, but will elect to cross-examine witnesses only, which may be done.
- A party intervening will be responsible for complying with all rules and regulations of the Commission, as well as accepting electronic service, delivering a copy of all their filings and communications to all parties, and providing contact information (valid email address and telephone number) which will be posted publicly on the Commission's Docket Management System. A party intervening in a matter must attend the hearing or any virtual hearing of the Commission on that matter.

Petitions to Intervene must be served on all existing parties of record in the case, as well as being filed with the Commission. Evidence that all parties in the case have been sent ~~received~~ a copy of the ~~P~~petition must be furnished to the Commission. Please see Commission Rules of Practice and Procedure on the Commission Website at www.psc.sc.gov.

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~~SECTION V~~ STEP 3 – THE HEARING ~~PROCESS~~

Click the image above to view the video.

WHAT HAPPENS PRIOR TO THE HEARING?

PSC Clerk's Office:

When the Commission receives a filing that requires a hearing ~~as part of the adjudication process~~, the Commission will assign a date, time, and location for the hearing, and will issue a Notice of Hearing as required by law (Regulation 103-836). The notice will include this information, as well as, ~~contain a statement of the date, time, and place of the public hearing,~~ a reference to the legal authority under which the proceeding was instituted, and a description of the subject and issues involved.~~, and,~~ I~~i~~n a rulemaking proceeding, the terms or substance of the proposed rule (Regulation 103-804[J]). The notice will also detail the appointment of a hearing examiner, if one has been assigned.[4]

The Commission will also issue a Notice of Filing or Scheduling Order, which establishes dates for the various parties to ~~pre~~file written testimony and exhibits with the Commission presenting their respective cases, and to serve these materials on all other parties in the case (Regulation 103-845). The ~~prefiled written material (i.e.~~ testimony and exhibits~~)~~ describes the matters that the parties wish to orally bring before the Commission at the public evidentiary hearing. In some cases, such as with formal consumer complaints, the Notice of Hearing and Scheduling Order are combined in one document. And, with such ~~formal consumer~~ complaints, the information submitted by means of the Complaint Form serves as the written ~~prefiled~~ testimony for the complainant. Written ~~Prefiled~~ testimony is not required in transportation cases (e.g. household goods applications). For more information relative to transportation cases, refer to Appendix ~~D~~ F.

At times, it is more efficient to assign a hearing examiner to serve as the presiding officer in a case. Proceedings before a hearing examiner can be streamlined, ensuring a more timely resolution for all parties. Almost all complaint filings are assigned to a hearing examiner for resolution.

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Office of Regulatory Staff:

In rate case matters, ORS will conduct an audit of the utility company's books and records during the time between the issuance of the Notice of Hearing and the prefiling of testimony. ORS will examine the Company's accounting and other relevant records. If the matter before the Commission is not a rate case, then ORS may conduct an investigation during this time.

Parties of Record:

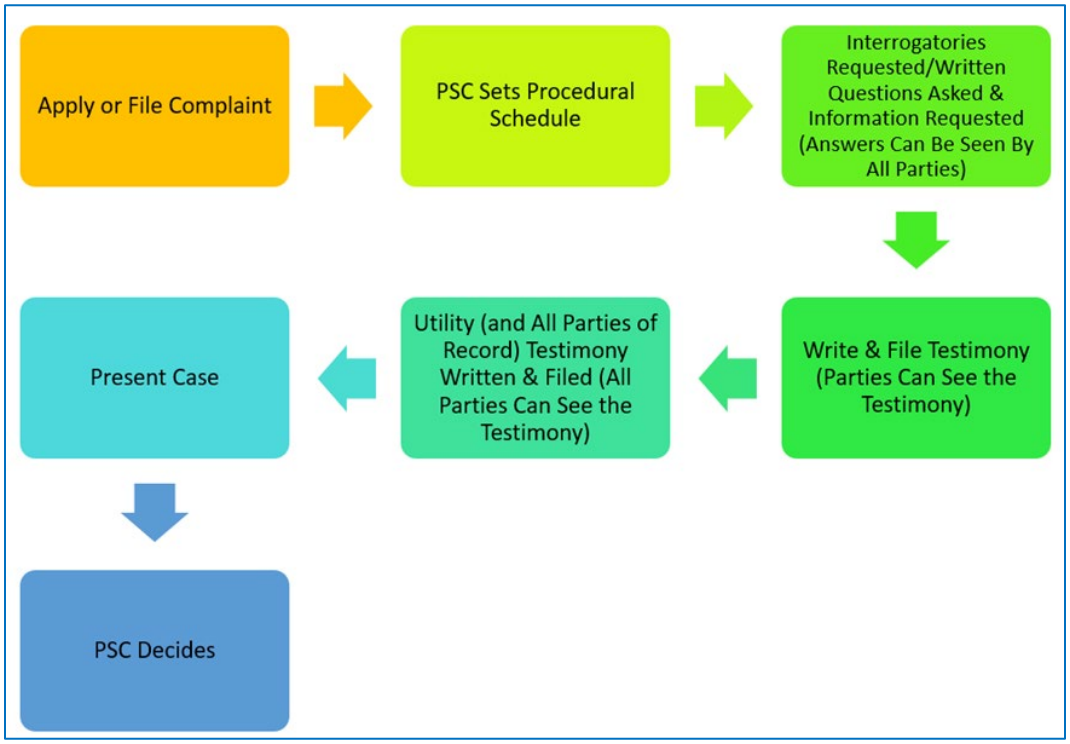
During the period prior to the hearing, the parties may conduct discovery, that is, they may ask each other questions through the use of written interrogatories, oral depositions, or other allowable discovery methods (Regulations 103-832 through 103-835). Please note that intervenors and Complainants are subject to discovery, meaning that they are required to respond to requests for information and to produce documents that may be relevant to the proceeding.

At times, the parties may file various pretrial motions to be ruled upon by the Commission (Regulation 103-829). In complex cases, one or more of the parties may request a prehearing conference, where all the parties to a case can meet or teleconference to simplify issues, or perform other administrative functions prior to thehearing (Regulation 103-839).

In cases where the applicant has requested a rate increase, the Commission may decide to schedule additional public hearings in the service areas of the utility that has filed for the rate increase. These hearings are conducted so that members of the public who do not wish to intervene and participate formally in the rate case proceeding may be heard by the Commission. These cases generally involve electric, water, or wastewater utilities. Typically, in these hearings, members of the public simply sign in to testify on the pending matter before the Commission, and such statements are given as testimony under oath and included as part of the hearing ~~transcript of~~ record. These public hearings are generally scheduled to take place prior to the full evidentiary hearing.

How can I be involved as a pro se litigant?

As a *pro se* litigant, you will most likely be involved in proceedings at the Commission as either 1) a complainant who has filed a formal complaint against an entity regulated by the Commission, or 2) an intervenor who desires to be a party of record in a case already before the Commission. The following paragraphs describe the hearing process from both the complainant and intervenor standpoint. Please note, since almost all complaints are assigned to a hearing examiner for resolution, this guide will present this process for a *pro se* litigant complainant.



***PRO SE* LITIGANT COMPLAINANT**

WHAT HAPPENS DURING A HEARING BEFORE A HEARING EXAMINER?

The hearing will be held in either the Commission's Hearing Room, the Commission's Meeting Room (see the following page) or virtually. Please arrive early in order to become familiar with your surroundings. If you need assistance, go to the front desk of the Commission's offices.

Commission's Hearing Room

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Commission's Meeting Room

At the appointed time of the hearing, the Hearing Examiner will call the hearing to order and read the docket information. He will then ask the parties before the Commission to identify themselves, through their lawyers, if applicable. As a *pro se* litigant, you will be asked to identify yourself for the record of the case. At this point, the Hearing Examiner will generally ask whether there are any preliminary matters to come before the Commission. These could be in the form of outstanding procedural motions, the presentation of any Settlement Agreements that might have been reached, the presentation of an opening statement, or other matters.

Once these are disposed of, the Hearing Examiner will be ready to hear testimony. The Complainant requesting relief before the Commission will present his or her testimony and exhibits and any additional witnesses. The utility company will then present its testimony and exhibits. The Office of Regulatory Staff will generally present its testimony and exhibits last.

TYPICAL HEARING STEPS

1) Once you, as the complainant, have been placed under oath, you should state your name and address for the record.

2) It is advisable to ask the Hearing Examiner to place your written testimony and exhibits into the record of the case. This will generally be done, unless there are successful objections from one or more of the other parties.

3) Then you will present an oral summary of your testimony to the Hearing Examiner. ~~In any event,~~ When presenting the summary of your testimony, you must stick to the material that you have filed in advance of the hearing.~~prefiled.~~ If you attempt to go outside this material, it is likely that you will be subject to a successful objection from one or more of the other parties, and you will be called upon by the Hearing Examiner to proceed with the summary of only your actual written testimony.

4) You will also be subject to cross- examination by the other parties, and to questions from the Hearing Examiner.

5) As a litigant, you are subject to all Commission and evidentiary rules. The Hearing Examiner

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may, either with or without objection, exclude inadmissible, incompetent, or irrelevant evidence, or order the presentation of such evidence discontinued.

6) If you have any additional witness testimony or evidence to present, it will be done at this point. You will ask your witnesses questions ~~do direct examination of your own witnesses by asking questions~~. You must refrain from making statements or testifying during this part of your case; let your witnesses testify.

7) You will be able to cross-examine any witnesses that are presented by the other parties. All of the witnesses will present their testimony, and cross-examination will occur, along with questions from the Hearing Examiner.

8) Once this is complete, the Hearing Examiner will ask the parties if they have anything further. At times, parties may state a desire to present closing statements or to discuss procedural matters.

9) Upon completion, the hearing will be adjourned by the Hearing Examiner.

WHAT HAPPENS AFTER THE HEARING EXAMINER HEARING?

At some point after the hearing, the Hearing Examiner decides what, if any, **relief to recommend** to the Commission for adoption. The Hearing Examiner generally serves a proposed order in the case on all the parties of record. The parties may do one of several things within ten days of receipt of the proposed order: 1) **take exception** in writing to some or all of the Hearing Examiner's proposed order; 2) **write a brief (or response)** detailing your opinion about the proposed order~~discussing the proposed order~~; or 3) **request oral arguments** before the full Public Service Commission regarding the proposed order. If any party does any of these three things, the Commission must examine **the proposed order** and the record of the case, along with the points raised by the parties. If oral arguments are held, the Commission must hear them. The Commission will then make a decision as to whether it wants to adopt the proposed order of the Hearing Examiner, or issue its own order for relief. However, should the parties do nothing within ten days of receipt of the proposed order, the Commission will decide the case based on the proposed order and the record of the case.

There is a provision for waiver of the Hearing Examiner's **proposed order**. If a waiver is granted, the parties are allowed to submit their own proposed orders to the Hearing Examiner for review. The Hearing Examiner may recommend that the Commission adopt one of the submitted proposed orders, and the process proceeds as described in the previous paragraph.

The **final disposition** of the case takes place at a Commission Meeting that is typically held every Wednesday. (Information on the Commission's calendar is available on the Commission's website at www.psc.sc.gov.) Once it is decided that a matter is ready for final disposition, it is

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placed on the Commission's Agenda for discussion. Such agendas must be posted at least twenty-four hours prior to the actual Commission Meeting. During the Commission Meeting, motions are presented for each item on the agenda by the Commissioners. Following the motion for an item, the Commission votes on whether or not to adopt the motion. If the Commission reaches a consensus by its vote, a written directive will be issued, which memorializes the adopted motion. An order is then drafted based on the adopted motion, followed by formal issuance as a Commission order. Parties to the case are mailed copies of the order by the Commission staff. A *pro se* litigant may not speak at the Commission Meeting.

Parties have the right to ask the Commission for **rehearing or reconsideration** of the order if they do not agree with it. The parties have ten days to ask for reconsideration after receipt of an order in telephone and electric cases, and twenty days to ask for rehearing or reconsideration after receipt of an order in any other type of case.

If rehearing or reconsideration is denied by the Commission, a party may **appeal** the order to an appellate court. Commission Orders may not be appealed to a Court unless a party has requested reconsideration or rehearing of one or more matters decided by the Commission in a case. Appeals of Commission orders other than rate orders are made to the South Carolina Court of Appeals. The Court may agree with the Commission and affirm its decision, or the Court may dislike something in the original order, and reverse it. Orders that are reversed are generally remanded back to the Commission with instructions on how to proceed.

PRO SE LITIGANT INTERVENOR

WHAT HAPPENS DURING A HEARING IN FRONT OF THE FULL COMMISSION?

The hearing will be held in the Commission's Hearing Room. You will be able to participate in person or virtually. If you are in person, you will generally be seated at the tables in the hearing room facing the commissioners (see below). Please arrive early in order to become familiar with your surroundings. At the appointed time of the hearing, the Chairman will call the hearing to order. He or she will then ask the Commission's advisory attorney to read some information describing the docket before the Commission. Once that is done, the Chairman will ask the parties before the Commission to identify themselves, through their lawyers, if applicable. As a *pro se* litigant, you will be asked to identify yourself for the record of the case.

At this point, the Chairman will ask whether there are any preliminary matters to come before the Commission. These could be in the form of outstanding procedural motions, the presentation of any Settlement Agreements that might have been reached, the presentation of an opening statement, or other matters. Once these are disposed of, the Commission will be ready to hear testimony. Your testimony will be recorded by the Commission's court reporter and may be livestreamed.

In a case where members of the public have appeared and have made it known that they would like to testify about the case before the Commission, the Commission will typically hear from members of the public at this point. As a *pro se* litigant and a party to the case, you will not testify at this time. Once the **public testimony** is complete, the company requesting relief before the Commission will present its witnesses. The Office of Regulatory Staff generally presents its testimony last. This means that you, as a *pro se* litigant intervenor, will present **your oral testimony**, if any, sometime in between the company requesting the relief and the Office of Regulatory Staff.

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1) If you have ~~pre~~filed written testimony and exhibits in advance, you will have an opportunity to take the witness stand. After you are placed under oath, state your name and address for the record.

2) At some point, i~~I~~t is advisable to ~~then~~ ask the Chairman to place your written testimony and exhibits into the record of the case. This will generally be done unless there are successful objectionsfrom one or more ofthe other parties.

3) Then you may present an oral summary of your testimony to the Commission. Further, as a litigant, you are subject to all Commission and evidentiary rules. When presenting the summary of your testimony, you must stick to the material that you have prefiled. If you attempt to go outside this material, it is likely that you will be subject to a successful objection from one or more of the other parties, and you will be called upon by the Chairman to proceed with the summary of your actual written testimony.

4) As a litigant, your testimony will be subject to cross-examination by the other parties, and will be subject to questions from the Commissioners. You may not ask the Commissioners questions during your time on the witness stand.

5) If you have additional witness testimony or evidence to present, it would be done at this point. You will do direct examination of your own witnesses by asking questions. You must refrain from making statements or testifying during this part of your case; let your witnesses testify.

6) If you have not prefiled written testimony and exhibits, under the Commission's regulations, you will not be able to present testimony. However, you will be able to cross-examine any witnesses that are presented. All of the parties' witnesses will present their testimony, and cross- examination will occur, along with questions from the Commissioners. Once this is complete, theChairman will ask the parties if they have anything further.

7) At times, parties state a desire to present closing statements or to discuss procedural matters.

8) Upon conclusion, the Chairman will generally set a date for the parties to file proposed orders or briefs with the Commission. The hearing will then be adjourned by the Chairman.

WHAT HAPPENS AFTER A HEARING IN FRONT OF THE FULL COMMISSION?

After the parties submit their briefs or proposed orders to the Commission, the **Commission deliberates and decides** on the relief it wishes to grant. The Commission may or may not grant the relief contained in the materials submitted by the parties. The disposition of the case takes place in a Commission Meeting that is typically held every Wednesday. Once it is decided that a matter is ready for disposition, it is placed on the Commission Agenda for discussion. Such agendas must be posted at least twenty-four hours prior to the actual Commission Meeting. During the Commission Meeting, motions are presented for each item on the agenda. Following the motion for an item, the Commission votes on whether or not to adopt the motion. If the

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Commission reaches a consensus by its vote, a **written directive** will be issued, which memorializes the adopted motion. The *pro se* litigant may not speak during the Commission meeting.

In certain cases where a formal order is not necessary, the Commission will issue its **ruling** in the form of a written directive, based on the adopted motion. Parties to the case are mailed copies of the directive by the Commission staff. However, in most cases, a written order is drafted which contains a summary of the case, the findings of fact, and the Commission's decision in the case. This order is then signed by the Chairman, and formally issued as a Commission Order. Partiesto the case are also mailed copies of the order by the Commission staff.

Parties have the right to ask the Commission for **rehearing or reconsideration** of the order. The parties have ten days to ask for reconsideration after receipt of an order in telephone and electric cases, and twenty days to ask for rehearing or reconsideration after receipt of an order in any other type of case. If rehearing or reconsideration is denied by the Commission, a party may **appeal** the order to the appellate court. Commission Orders may not be appealed to a Court unless a party has requested reconsideration or rehearing of a matter ruled on by the Commission. Rate orders from the Commission are appealed to the South Carolina Supreme Court. Appeals of other Commission orders are made to the South Carolina Court of Appeals. The Courts may agree with the Commission and affirm its decision, or the Court may dislike something in the original order, and reverse it. Orders that are reversed are generally remanded back to the Commission with instructions on how to proceed.

At times during the court appeal of a Commission rate order, and if the appealing party is a utility, the requesting company may ask to **post a bond**, so that the company may place the entire amount or a partial amount of the requested rate increase into effect. If the company loses in court, it has to pay the extra money collected in rates back to the ratepayers with 12% interest. If the company wins, it keeps the money that it collected under the bond.

In closing, *pro se* litigants are welcome to participate in Commission hearings. However, a good working knowledge of Commission procedures will make a *pro se* litigant's appearance fit effectively in the overall Commission hearing experience. A *pro se* party will be held to the same standard as an attorney licensed to practice law.

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Appendix A

Legal Resources

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Legal Resources

The SC Bar offers legal clinics that people can attend when they register for one:
https://www.scbar.org/public/public-programs/free-legal-clinics/

SC Bar Pro Bono Program:
https://lawyers.justia.com/legalservice/south-carolina-bar-association-pro-bono-program-9600

SC Bar Lawyer Referral:
https://www.scbar.org/public/get-legal-help/find-lawyer-or-mediator/find-a-lawyer/

The SC Bar also offers help on common legal topics, including how to talk to a lawyer for free:
https://www.scbar.org/public/get-legal-help/

South Carolina Appleseed Legal Justice Center:
https://www.scjustice.org/

Midlands Technical College Paralegal Program:
https://www.midlandstech.edu/programs-and-courses/education-and-public-service/paralegal-associate-degree

Appendix B

FAQs & Quick Reference Guide

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Frequently Asked Questions About PSC Hearings:

1. **When will the Commission take action in my case?** The timeline can vary based on a variety of factors, but the agency posts the agenda for each business meeting on their Docket Management System website. Review the agendas at that link and look for your docket number to see if you're on the agenda for that week. Commission Business Meetings are livestreamed to the public at www.scetv.org/psc/, where you can also watch archived meetings from the past.

2. **Did the Commission receive a document I sent them?** Every matter that comes before the Commission is assigned a docket number, which tracks all documents filed in the case, actions taken by the Commission, and communication between the applicant and the agency. You can review that docket by searching the Docket Management System here, where you can find all documents filed in the docket. If you've sent the Commission a document that you don't see in the filed in the docket, contact the Commission at contact@psc.sc.gov or at 803.896.5100.

3. **How do I follow up with the agency?** The PSC will reach out to you once an order has been issued in your case. The Commission is available to answer your questions, but the first step you should take if you're unsure if action has been taken is to consult the DMS.

4. **How can I find out more?** If you have questions about your docket, please contact the Commission at contact@psc.sc.gov or call 803.896.5100 to speak to a representative of the Commission.

5. **Are there other resources I can use as a consumer?** Absolutely—the Office of Regulatory Staff has a consumer advocacy department that you can rely on to help. Call them at 803.737.0800 or visit www.ors.sc.gov for more details. You can also reach out to the SC Utility Consumer program on Facebook and Twitter to learn more about how to be a savvy and cost-conscious consumer of utilities and to find resources to learn more about the utility economy of our state.

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Questions to Ask Yourself Before Attending:

1. **Am I wearing business casual attire?** Business casual means a button down shirt and sport coat for men and a blouse and slacks or skirt for women.

(examples of business casual for men) (examples of business casual for women)

2. **Do I have my testimony in order?** The complete list of information the Commission requires can be found below in Appendix F, but the basics are: your business plan, your financial backing (including lines of credit), your level of experience as a transportation professional, your active insurance, and your estimated rate schedule (what you intend to charge your customers for your services).

3. **Am I prepared to answer questions from the Commissioners?** Following your testimony, Public Service Commissioners will have the opportunity to cross-examine you and ask you questions about your testimony. As you prepare your testimony, anticipate what you imagine the Commissioners will want further information about—the best way to prepare for questioning is to start asking those questions yourself.

Frequently Asked Questions:

6. **When will the Commission approve or deny my request?** The timeline is dependent on other matters before the Commission, but the agency posts the agenda for each business meeting on their Docket Management System website. On the transportation agenda, you can look for your docket number to see if you're on the agenda for that week.

7. **Did the Commission receive a document I sent them?** When you applied for a certificate of public convenience and necessity, the Commission assigned you a docket number. You can review that docket by searching the Docket Management System here, where you can find all documents filed in the docket. If you've sent the Commission a document that you don't see in the filed in the docket, contact the Commission at contact@psc.sc.gov or at 803.896.5100.

8. **How can I find out more?** If you have questions about your docket, please contact the Commission at contact@psc.sc.gov or call 803.896.5100 to speak to the Commission's transportation department.

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Appendix ~~A~~ C

Complaint Form

(Inserted updated form)

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Complete Form, Print, Sign and Mail to:
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

Individual Complaint Form

Date*:_____

Complainant or Legal Representative Information: * **Required Fields**

Name * _____

Firm (if applicable) _____

Mailing Address * _____

City, State Zip * _____, _____ _____ Phone * _____

E-mail _____

Name of Utility Involved in Complaint: *

Type of Complaint (check appropriate box below.) *

- ☐ Billing Error/Adjustments
- ☐ Deposits and Credit Establishment
- ☐ Wrong Rate
- ☐ Refusal to Connect Service
- ☐ Disconnection of Service
- ☐ Payment Arrangements
- ☐ Water Quality
- ☐ Line Extension Issue
- ☐ Service Issue
- ☐ Meter Issue
- ☐ Other (be specific) _____

Have you contacted the Office of Regulatory Staff (ORS)**? *** ☐ Yes ☐ No **Name of ORS Contact:** _____

Please provide the Section(s) of the S.C. Statute(s) or S.C. Regulation(s) allegedly violated by the Company:

Concise Statement of Facts/Complaint: * (This section must be completed. Attach additional information to this page if necessary.)

Relief Requested: * (This section must be completed. Attach additional information to this page if necessary.)

I UNDERSTAND AND AGREE THAT THE INFORMATION GIVEN ON THIS FORM IS PUBLIC INFORMATION THAT WILL BE PUBLISHED ON THE COMMISSION'S WEBSITE (dms.psc.gov), AND I UNDERSTAND SUCH INFORMATION MAY BE SUBJECT TO PUBLIC SCRUTINY OR FURTHER RELEASE.

_____
Complainant's Signature* (MUST BE SIGNED, DO NOT PRINT)

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VERIFICATION

Internal Use Only

Processed By	Date
H.E.	

STATE OF SOUTH CAROLINA
COUNTY OF _____

I, _____ verify that I have read my complaint filed on _____
Complainant's Name * Date *

and know the contents thereof, and that said contents are true. _____
Complainant's Signature * (MUST BE SIGNED, DO NOT PRINT)

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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

Complaint Form

Print

Date: _____

Complainant or Legal Representative Information: * Required Fields

Name * _____

Firm (if applicable) _____

Mailing Address * _____

City, State Zip * _____, _____ Phone * _____

E-mail * _____

Name of Utility Involved in Complaint: * _____

NOTE: If AT&T is the utility involved, please complete the attachment located at the end of this form.

Type of Complaint (check appropriate box below.) *

- ☐ Billing Error/Adjustments
- ☐ Deposits and Credit Establishment
- ☐ Wrong Rate
- ☐ Refusal to Connect Service
- ☐ Disconnection of Service
- ☐ Payment Arrangements
- ☐ Water Quality
- ☐ Line Extension Issue
- ☐ Service Issue
- ☐ Meter Issue
- ☐ Other (be specific) _____

Have you contacted the Office of Regulatory Staff (ORS)? * ☐ Yes ☐ No **Name of ORS Contact:** _____

Concise Statement of Facts/Complaint: * (This section must be completed. Attach additional information to this page if necessary.)

Relief Requested: * (This section must be completed. Attach additional information to this page if necessary.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

VERIFICATION

I, _____ verify that I have read my complaint filed on _____
Complainant's Name * Date *
and know the contents thereof, and that said contents are true. _____
Complainant's Signature *

Internal Use Only

Processed By	Date
H.E.	

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

~~Phone: 803-896-5000~~
~~Fax: 803-896-5399~~
~~www.psc.sc.gov~~

~~Attachment to Complaint Form~~

~~Complete this page **only** if your complaint involves AT&T.~~

~~1. Was your AT&T service activated after September 30, 2009?~~

☐ ~~YES~~ ☐ ~~NO~~

~~2. Does your bill from AT&T include monthly charges for any of the following services?~~

- ☐ ~~AT&T Internet Access Service (dial-up or DSL)~~
- ☐ ~~AT&T Wireless Service~~
- ☐ ~~AT&T U-verse Service~~
- ☐ ~~Caller ID~~
- ☐ ~~Complete Choice~~
- ☐ ~~Preferred Pack~~
- ☐ ~~Long distance service provided by any AT&T company~~

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Appendix ~~B~~ D

Petition to Intervene and Docket Cover Sheet

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BEFORE THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Docket No. _____

In the Matter Of:	PETITION TO INTERVENE

_____petitions to intervene in this proceeding. In support of this petition, the following is provided.

1. The contact information of the petitioner is:

   Name:
   Company:
   Street Address:
   City, State, Zip:
   Email Address:
   Telephone:

2. The Petitioner □ will □ will not be represented by counsel in this proceeding. The contact information for the petitioner's counsel to be included on the service list is:

   Name:
   Company:
   Street Address:
   City, State, Zip:
   Email Address:
   Telephone:

3. If the Petitioner is an organization, the number of members in and the purposes of the organization:

   □ List of Members attached

4. The nature and extent of the Petitioner's interest in this proceeding is:

5. The issues the Petitioner intends to raise at the proceeding are:

6. The special knowledge or expertise of the Petitioner that would assist the Commission in resolving the issues in this proceeding is:

7. Based on the information provided above in accordance with the Commission's rules of procedure, I request to participate in this proceeding as an intervenor. I or the organization that I represent will not unreasonably broaden the issues, burden the record, or unreasonably delay the proceeding.

_____
Signature of Petitioner or Representative

_____
Date

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STATE OF SOUTH CAROLINA

(Caption of Case)

)
)
)
)
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)
)
)
)
)
)
)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: ---------- _____

(Please type or print)

Submitted by: _____

Address: _____

_____

_____

SC Bar Number: _____

Telephone: _____

Fax: _____

Other: _____

Email: _____

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** _____

INDUSTRY (Check one)	**NATURE OF ACTION (Check all that apply)**		
☐ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☐ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other: _____
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	_____
☐ Other: _____	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

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Appendix ~~C~~ E

Letter of Protest Form

(Inserted updated Form)

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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

Save as PDF file and Email form to: contact@psc.sc.gov

Letter of Protest

Docket No. _____

* Required Fields

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 this pending proceeding? (This section must be completed. Attach additional information if necessary.)

2. Please give a concise statement of your protest. * (This section must 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? *

Signature Required: _____

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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
Email form to: contact@psc.sc.gov

Print Email

* Required Fields

Letter of Protest

Date: * _____ in Docket _____

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 this pending proceeding? (This section must be completed. Attach additional information if necessary.)

2. Please give a concise statement of your protest. * (This section must 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? *

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Appendix ~~D~~ F

Best Practices for Transportation Cases

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Best Practices for Transportation Cases

Applications to the Public Service Commission of South Carolina for a Class E (Household Goods Mover) Certificate of Public Convenience and Necessity require a hearing before the Commission.

Applicants must be prepared to provide testimony through a witness regarding the Applicant's fitness, willingness, and ability to provide household goods moving services in the service territory requested in the application. Further, as specified below, any Applicant requesting to provide services in an area larger than three connected counties in South Carolina, or on a statewide basis, must additionally offer the testimony of "shipper witnesses" to verify that there is a public need for the services in the area they have applied to serve.

In addition to providing their testimony, all witnesses may be subject to cross-examination or questioning by attorney representatives of the South Carolina Office of Regulatory Staff, any Intervenor parties, or the Commissioners of the Public Service Commission.

All witnesses are encouraged to wear business casual attire when appearing to testify before the Commission. Business casual means a button down shirt and sport coat for men and a blouse and slacks or skirt for women.

Applicants should address the following issues in testimony given from the witness stand during the presentation of their case before the Public Service Commission of South Carolina:

Introduction and General Statement

Introduce yourself and provide a general statement about what you are seeking from the Commission.

Testify About Your Current Business Operations or Plans

1. Provide testimony regarding your business plan – either formal or informal.
    a. Specify short and/or long-term plans for your business:
        i. What type of customer base are you planning to serve – apartment dwellers, residential homeowners, commercial property owners, furniture store owners, move-and-store customers, a mix of all of these, or others?
        ii. Do you have a marketing or advertising plan to reach these customers?
        iii. Does your plan include plans for expansion of your customer base, service territory, facilities or employees?
    b. You may wish to provide any information regarding financial backing, lines of credit, or similar instruments you have secured to verify your financial stability.

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Testify Regarding Your Experience and Business Standing

1. Provide details about your business experience in the delivery of household goods.
    a. Describe some of the jobs/duties that you have performed.

2. Are there any outstanding court orders or judgments against you personally or the company/entity which you are seeking a certificate for?
    a. State whether you or the Company have any outstanding judgments.
    b. Provide detailed information if you or the company applying for the Certificate have any outstanding orders or judgments.
    c. If you have ever been convicted of a felony crime in South Carolina or any other state, please disclose and explain the circumstances.

3. Provide testimony to the Commission regarding your familiarity with the South Carolina laws, regulations and rules which govern the operation of intrastate household goods movers in South Carolina.
    a. You should read and become familiar with all of the applicable statutes and regulations of the Commission which regulate the household goods moving industry. Copies are available through links provided on the PSC and ORS websites.
    b. Please state for the Commission that you agree to comply with all of these laws, regulations, and rules.

4. Tell the Commission whether or not you are certificated by any other state or federal agency to provide household goods moving services or any other transportation services.
    a. Please be prepared to provide copies of any other certifications or registrations to the Commission at the hearing.
    b. Please advise the Commission if any previously held certifications from a federal or state agency are still "in good standing" or if they have been revoked or surrendered.

5. If you are currently doing business in your name or the company Applicant's name in South Carolina provide details to the Commission.
    a. Please note that while you are authorized to provide certain services, such as office moves, prior to certification from the Commission, you are strictly prohibited from performing intrastate household goods moves without certification from the PSC.
    b. To your knowledge, have there been any complaints filed against your company with any Better Business Bureau, Chamber of Commerce, state or municipal agency? If so, provide details to the Commission.

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Testify Regarding the Publication of Notice of Your Application

1. Tell the Commission whether you have published notice of your application in this case.
    a. State whether notice was published in a newspaper in the area you have asked to serve.
    b. If you are requesting statewide authority, state whether notice has been published in a paper with statewide circulation or in multiple papers.
    c. Be prepared to provide a copy of the certification of publication from the newspaper to the Commission.

Testify To Your Awareness of The Commission's Requirements Regarding Insurance Policies/Quotes and Coverage

1. Provide testimony to the Commission that you either currently have an insurance policy OR have obtained an insurance quote based on accurate information regarding your business.
    a. A quote must be based on the vehicles that you own or lease, or which you intend to purchase or lease for use in the operation of your business.
    b. The insurance quote must be completed and signed by an authorized insurance agent/agency. It is NOT valid if completed and/or signed by you or another company officer or employee.
    c. Be prepared to provide a copy of the policy or quote to the Commission at the hearing.

2. Testify to the Commission regarding your awareness of the insurance limits for both liability and cargo insurance required under the Commission's regulations.

Testify Regarding the Financial Statement Filed with Your Application

1. Tell the Commission in your testimony if there have been any changes in your financial statement or condition since filing your application.
2. Be prepared to testify or answer questions from the Commissioners regarding your assets and liabilities, as detailed in your application.

Provide Testimony About Your Proposed Rate Schedule

1. State to the Commission that you are aware that the rates which you have filed with your application are the only rates which may be charged for moving services performed under the Certificate.
2. Testify in detail to the Commission about what will be included in the hourly rates which you have filed. For instance, does the rate include pick-up, loading, use of wrapping and blocking materials, delivery, setup?
3. Provide details regarding any special rates or terms in your tariff to the Commission; such as charges relating to pianos, staircases, big screen televisions, etc.

4. You must testify to the Commission that you understand that you may only provide ESTIMATES to customers based on your filed tariff – and that you cannot quote a set or fixed price.

Testify Regarding Your Personnel/Employees

1. Tell the Commission how many employees you/your company currently employs.
2. Provide the Commission with details regarding any plans to add additional employees.
3. Provide testimony to the Commission regarding how you currently train, or how you intend to train, your employees. If you have or intend to use any specific training programs or materials, bring copies with you to present to the Commission.

Testify Regarding the Territory You Are Seeking to Be Certificated to Serve

1. You must testify that you understand that if the Commission approves your application that you can ONLY originate moves in the counties where you have requested authority.
2. You must also testify that you are aware that any change in the area that you are permitted to operate in must be approved by the Commission.
3. Testify about why you feel there is a need for your services in the area you are asking to serve.
    a. Specific information regarding the growth of the area you plan to serve, statistics on real estate sales, migration to or from the area or similar information is helpful in establishing such a need.
    b. "Shipper witnesses" are required if you have requested to be certificated for statewide service or any service territory beyond a three contiguous (connected) county area.
        i. You should have one shipper witness for each area/territory of the state which you intend to serve.
        ii. A shipper witness should testify to the Commission that there is a need for your services in the area where they work or live.
        iii. Shipper witnesses are typically individuals who work in the real estate, insurance, or home furnishings business, or some industry in which that person is involved or familiar with the hiring of commercial household goods carriers. They may also be individuals who can testify regarding personal experiences in dealing with local movers.

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Testify About the Equipment You Own or Intend to Lease or Purchase

1. Tell the Commission what type of vehicle(s) you currently own or lease, or which you intend to purchase or lease.
    a. If you do not currently own or lease any vehicles, you must be prepared to offer the Commission a quote or proposed lease or purchase agreement for vehicles.
2. Testify and be prepared to offer copies of safety certifications, or testify to your awareness that any vehicle(s) which you lease or purchase to provide services under your certificate must undergo a safety check by the South Carolina Transport Police.
3. Provide any helpful additional details on the vehicles to the Commission including pictures, contracts or agreements, specifications, etc.
4. Provide testimony regarding your preventive maintenance plans or programs for your vehicles or drivers.

Testify Regarding Your Knowledge of Bills of Lading

1. Verify through your testimony that you are familiar with the Commission and ORS's requirements regarding Bills of Lading.
2. Testify regarding your intent to prepare and provide Bills of Lading for each move conducted by your company.

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