**BEFORE THE**
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2017-1-E**

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| Annual Review of Base Rates | ) | **MOTION FOR ADMISSION** |
| for Fuel Costs of Duke Energy | ) | ***Pro Hac Vice*** |
| Progress, LLC | ) | |
| | ) | |

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Michael K. Lavanga to practice *pro hac vice* before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Mr. Lavanga, together with counsel of record, has filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto is a stamped copy of the Verified Application as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,
MOORE & VAN ALLEN, PLLC

Robert R. Smith II

Robert R. Smith, II

100 North Tryon Street
Suite 4700
Charlotte, NC 28202
(704) 331-1000
(704) 339-5870 Fax
robsmith@mvalaw.com

Counsel for Nucor Steel-South Carolina

Dated: March 22, 2017

**BEFORE THE**
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**DOCKET NO. 2017-1-E**

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| IN THE MATTER OF: | ) | |
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| Annual Review of Base Rates | ) | **MOTION FOR ADMISSION** |
| for Fuel Costs of Duke Energy | ) | ***Pro Hac Vice*** |
| Progress, LLC | ) | |
| | ) | |

This is to certify that the foregoing document was served upon the following parties at the addresses set forth by first-class mail, electronic mail, telefax or Federal Express on this the 23 day of March, 2017:

Heather Shirley Smith, Esq.
*Duke Energy Progress, LLC*
40 West Broad Street
Suite 690
Greenville, SC 29601
heather.smith@duke-energy.com

Rebecca J. Dulin, Esq.
*Duke Energy Progress, LLC*
1201 Main Street, Suite 1180
Columbia, SC 29201
rebecca.dulin@duke-energy.com

Frank R. Ellerbe, III, Esq.
*Robinson, McFadden & Moore, P.C.*
Post Office Box 944
Columbia, SC 29202-0944
fellerbe@robinsonlaw.com

Andrew M. Bateman, Esq.
*Office of Regulatory Staff*
1401 Main Street, Suite 900
Columbia, SC 29201
abateman@regstaff.sc.gov

Jenny R. Pittman, Esq.
*Office of Regulatory Staff*
1401 Main Street, Suite 900
Columbia, SC 29201
jpittman@regstaff.sc.gov

Robert R. Smith II

Robert R. Smith, II

RECEIVED
MAR 23 2017
S.C. SUPREME COURT

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE***
**IN THE STATE OF SOUTH CAROLINA**

IN THE MATTER OF:

Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC

Docket No. 2017-1-E

Public Service Commission of South Carolina

Mailing Address:
101 Executive Center Dr.
Suite 100
Columbia, SC 29210

Comes now Michael K. Lavanga, applicant herein, and respectfully represents the following:

1. Applicant resides at [redacted]

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Stone Mattheis Xenopoulos & Brew, PC (formerly Brickfield, Burchette, Ritts & Stone, PC), with offices at 1025 Thomas Jefferson Street, NW, 8th Floor West, Washington, DC 20007; telephone 202-342-0800; cell phone number 202-701-9743; fax number 202-342-0807; email address mkl@smxblaw.com.

3. Applicant has been retained personally or as a member of the above-named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above-named regulatory agency of the State of South Carolina.

4. Since August of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

| Court: | Date Admitted: |
|---|---|
| Virginia | 2000 |

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, Mecklenburg County, NC 28202; telephone 704-331-1100; cell phone number 864-444-4470; fax number 704-331-1159; email address robsmith@mvalaw.com; South Carolina Bar Number 69592.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear in the following proceeding before the South Carolina Public Service Commission:

| | |
|---|---|
| Name: | Case No. 2016-8-E<br>Duke Energy Progress, LLC's Integrated Resource Plan (IRP) |
| Status: | On-going |
| Application: | November 30, 2016<br>Granted December 15, 2016 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2016-289-E<br>Application of Duke Energy Progress, LLC for Approval of Rider 8, Demand-Side and Energy Management Efficiency for 2017 |
| Status: | Granted |
| Application: | September 14, 2016<br>Granted September 28, 2016 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

| | |
|---|---|
| Name: | Case No. 2016-227-E<br>Application of Duke Energy Progress, LLC for Authority to Adjust and Increase Its Electric Rates and Charges |
| Status: | Settlement Approved by Commission |
| Application: | July 27, 2016<br>Granted August 10, 2016 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2016-1-E<br>Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC |
| Status: | Settlement Approved by Commission |
| Application: | March 4, 2016<br>Granted March 23, 2016 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2015-8-E<br>Duke Energy Progress, LLC's Integrated Resource Plan (IRP) |
| Status: | On-going |
| Application: | November 25, 2015<br>Granted November 5, 2015 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2015-323-E<br>Application of Duke Energy Progress, LLC for Approval of Rider DSM/EE-7 |
| Status: | Granted |
| Application: | Filed October 7, 2015<br>Granted December 16, 2015 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2015-163-E<br>Application of Duke Energy Progress, LLC to Establish a New Cost Recovery and Incentive Mechanism for Demand-Side Management and Energy Efficiency Programs |
| Status: | Granted |
| Application: | Filed June 26, 2015<br>Granted July 22, 2015 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2015-53-E<br>Application of Duke Energy Progress, Incorporated to Establish a Distributed Energy Resource Program |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 16, 2015<br>Granted April 1, 2015 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

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|---|---|
| Name: | Case No. 2015-1-E<br>Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC |
| Status: | Settlement Approved by Commission |
| Application: | Filed January 30, 2015<br>Granted February 25, 2015 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

| | |
|---|---|
| Name: | Case No. 2014-8-E<br>Duke Progress Energy, Inc.'s Integrated Resource Plan (IRP) |
| Status: | On-going |
| Application: | Filed November 24, 2014<br>Granted December 17, 2014 by Commission Order |
| Local Counsel: | Robert R. Smith, II |

| | |
|---|---|
| Name: | Case No. 2014-246-E<br>Petition of the Office of Regulatory Staff to Establish Generic Proceeding Pursuant to the Distributed Energy Resource Program Act, Act No. 236 of 2014, Ratification No. 241, Senate Bill No. 1189 |
| Status: | Settlement Approved by Commission |
| Application: | Filed July 22, 2014<br>Granted July 30, 2014 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2014-1-E<br>Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, Inc. |
| Status: | Settlement Approved by Commission |
| Application: | Filed February 18, 2014<br>Granted March 12, 2014 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2013-8-E<br>Duke Energy Progress, Inc.'s Integrated Resource Plan (IRP) |
| Status: | On-going |
| Application: | Filed November 27, 2013<br>Granted December 18, 2013 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2013-1-E<br>Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, Inc. |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 19, 2013<br>Granted March 27, 2013 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2012-8-E<br>Progress Energy Carolinas, Inc.'s Integrated Resource Plan (IRP) |
| Status: | On-going |
| Application: | Filed December 19, 2012<br>Granted January 9, 2013 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2012-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 21, 2012<br>Granted April 11, 2012 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2011-158-E<br>Application Regarding the Acquisition of Progress Energy Incorporated by Duke Energy Corporation and Merger of Progress Energy Carolinas, Incorporated and Duke Energy Corporation, LLC |
| Status: | On-going |

| | |
|---|---|
| Application: | Filed June 22, 2011<br>Granted July 13, 2011 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2011-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 21, 2011<br>Granted March 30, 2011 by Commission Order |
| Local Counsel: | Robert R. Smith, II |
| Name: | Case No. 2010-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 24, 2010<br>Granted April 14, 2010 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |
| Name: | Case No. 2008-447-EG<br>Petition of the Office of Regulatory Staff to Establish Docket to Consider Implementing the Requirements of Section 1307 (State Consideration of Smart Grid) and Section 532 (Energy Efficiency Programs) of the Energy Independence and Security Act of 2007 |
| Status: | Stipulation Adopted |
| Application: | Filed April 30, 2009<br>Granted May 13, 2009 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |
| Name: | Case No. 2009-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |
| Application: | Filed March 12, 2009<br>Granted March 25, 2008 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |
| Name: | Case No. 2008-251-E<br>Application of Carolina Power and Light Company d/b/a Progress Energy Carolinas, Incorporated for the Establishment of Procedures for DSM/EE Programs |
| Status: | Settlement Approved by Commission |
| Application: | Filed July 22, 2008<br>Granted August 14, 2008 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |
| Name: | Case No. 2008-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |

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|---|---|
| Application: | Filed March 26, 2008<br>Granted April 15, 2008 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |
| Name: | Case No. 2007-1-E<br>Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs |
| Status: | Settlement Approved by Commission |
| Application: | Filed February 8, 2007<br>Granted March 2, 2007 by Commission Order |
| Local Counsel: | Thomas S. Mullikin and Robert R. Smith, II |

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 20 day of March, 2017.

APPLICANT

## VERIFICATION

DISTRICT OF COLUMBIA )

I, Michael K. Lavanga, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the regulatory agency has ruled on the motion for admission *pro hac vice*. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear *pro hac vice* in the action or proceeding. Any updated information shall be provided to both the regulatory agency that granted the motion and to the regulatory agency in which the action or proceeding may then be pending.

APPLICANT/AFFIANT

Subscribed and sworn to before me this 20th day of March, 2017.

Pamela G. Gross

Notary Public for the District of Columbia

My Commission Expires: April 14, 2017

PAMELA G. GROSS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires April 14, 2017

## LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 23 day of March, 2017.

LOCAL COUNSEL OF RECORD

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by a payment of the $250 filing fee payable to the South Carolina Supreme Court on this 23 day of March, 2017.

Robert R. Smith II

District of Columbia Court of Appeals
Committee on Admissions
430 E Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

*I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that*

**MICHAEL K. LAVANGA**

*was on* **AUGUST 6, 2001** *duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.*

*In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on* **MARCH 20, 2017**.

*JULIO A. CASTILLO*
*Clerk of the Court*

*By:* Nicolette Lane
*Deputy Clerk*