

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u><b>November 02, 2016</b></u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u><b>2016-334-E</b></u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u><b>2016-771</b></u>

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

**SUBJECT:**

DOCKET NO. 2016-334-E - BYPAS International, Complainant/Petitioner v. SCANA/South Carolina Electric & Gas Company, Defendant/Petitioner - Staff Presents for Commission Consideration South Carolina Electric & Gas Company and The Electric Cooperatives of South Carolina, Incorporated's Motion to Dismiss.

**COMMISSION ACTION:**

In no fewer than seven prior orders, this Commission has rejected the complaints of Mr. Joe Wojcicki ("Wojcicki") concerning the South Carolina Base Load Review Act ("the BLRA"). In Order No. 2015-420, issued June 30, 2015, the Commission recounted its dispositions of the numerous prior filings by Mr. Wojcicki complaining of the BLRA. Furthermore, the Supreme Court of South Carolina dismissed Wojcicki's appeal of our 2014 orders for lack of proper service, and subsequently denied reconsideration.

Apparently undeterred by our prior dispositions of his repeated filings, Mr. Wojcicki has now, purporting to act on his own behalf and on behalf of an entity styled "BYPAS International," filed a complaint against South Carolina Electric & Gas Co. ("SCE&G") and The Electric Cooperatives of South Carolina ("the Co-ops"), again alleging misapplication of the BLRA. SCE&G and the Co-ops have both moved to dismiss the complaint, and SCE&G has further sought sanctions, including, but not limited to an award of attorney fees and costs. I move that we grant both motions to dismiss the complaint as requested, and bar any future filing that in any way attempts to re-litigate the applicability of the BLRA to the V.C. Summer units currently under construction.

Setting aside the fact that Mr. Wojcicki is not a lawyer and cannot legally represent any entity other than himself before this Commission, the complaint must also be dismissed because it states no claim for which relief may be granted, and is frivolous on its face. Furthermore, it is the latest in a long series of repetitive baseless and vexatious filings made by Wojcicki over the past eight years. Mr. Wojcicki's meritless filings have wasted Commission resources, and have further undoubtedly resulted in unnecessary legal expenses to SCE&G, which ultimately are passed on to the ratepayers. This must end. Accordingly, we are clarifying the prohibition previously issued in 2015 to apply to any case or docket in which the applicability of the BLRA is challenged. The Commission will accept no further filings by him on behalf of himself or any other entity concerning the BLRA, however styled, whether in connection with an existing docket or a new complaint. Further, Mr. Wojcicki's subsequently filed Motion for Summary Judgement in this docket is therefore dismissed as moot.

With regard to SCE&G's motion for fees and costs, we recognize that an award of attorney fees and costs would be an extraordinary remedy, and we therefore decline to impose such sanctions at this time. However, Mr. Wojcicki's failure or refusal to recognize the abusive nature of his repeated filings and the resulting waste, and his apparent lack of respect for this Commission's authority, have been equally extraordinary. Mr. Wojcicki is therefore put on notice that if the prohibition contained in this decision is not heeded, and the utility again seeks sanctions, this Commission should not find itself reluctant to favorably entertain such a request for fees and costs.

PRESIDING:

SESSION: RegularTIME: 2:00 p.m.

Whitfield

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

