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October 14, 2016

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VIA ELECTRONIC FILING

Jocelyn Boyd, Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

**Re: BYPAS International v. SCANA/South Carolina Electric & Gas Company
and The Electric Cooperatives of South Carolina, Inc.
Docket No. 2016-334-E**

Dear Ms. Boyd:

Enclosed for filing please find the Motion of The Electric Cooperatives of South Carolina, Inc. to Dismiss the Complaint in the referenced matter. By copy of this letter we are serving the parties of record in this proceeding with the same. If you have any questions, please contact me.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III

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Enclosure

cc: Mr. Joseph Wojcicki (via email and US Mail)
Shannon Bowyer Hudson, ORS - Deputy Director Legal Services (via email & US Mail)
K. Chad Burgess, Esquire (via email & US Mail)
Christopher R. Koon, Esquire (via email)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2016-334-E**

In Re:)	
)	
BYPAS International,)	
)	
Complainant/Petitioner)	
)	
v.)	MOTION OF THE ELECTRIC
)	COOPERATIVES OF SOUTH
SCANA/South Carolina Electric & Gas)	CAROLINA, INC. TO DISMISS
Company and The Electric Cooperatives)	COMPLAINT OF BYPAS
of South Carolina, Inc.,)	INTERNATIONAL
)	
Defendants/Respondents.)	
)	

Pursuant to S.C. Code Ann. Regs. 103-805, 103-824, 103-829 and applicable South Carolina law, respondent The Electric Cooperatives of South Carolina, Inc. (“ECSC”) hereby moves for an order dismissing it from this proceeding on the grounds that: (1) the complaint fails to comply with the requirements of R. 103-824 because it fails to state any basis for a claim against ECSC and because the matters that are alleged in the complaint have nothing whatsoever to do with ECSC; and (2) the complaint was submitted in violation of R. 103-805(B) because BYPAS International (“BYPAS”) is an entity not represented by an attorney. In support of this motion ECSC would show the following:

1. Regulation 103-824, promulgated by this Commission, states the requirements for a complaint requesting relief within the jurisdiction of the Commission. That regulation requires that the complaint provide a “concise and cogent statement of

the factual situation surrounding the complaint.” It also requires an explanation of the basis for the relief being sought and “[a] concise statement of the nature of the relief sought.” The BYPAS complaint fails to meet any of these requirements. It does not offer any explanation of any relationship that BYPAS has with ECSC. It does not offer any explanation of any basis that BYPAS has for relief against ECSC. It does not explain what relief is sought from ECSC. The submission by BYPAS does not meet the requirements for a complaint against ECSC as required by R. 103-824. There is nothing for ECSC to answer. Accordingly, ECSC should be dismissed from this proceeding.

2. Regulation 103-805(B) provides the following regarding the representation of entities:

Representation of Entities. Except as otherwise provided in S.C. Code Ann. Regs. 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional association, 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, SCACR.

Although it is unclear what type of entity that BYPAS is, under R. 103-805(B) it doesn't matter. Any entity must be represented by a lawyer. Joe Wojcicki is not a lawyer and cannot represent BYPAS. Accordingly, the BYPAS complaint was submitted in violation of the Commission's rules and should be dismissed.

3. The BYPAS complaint also should be dismissed under general principles of law.

- The Commission does not have jurisdiction over ECSC as ECSC is not an entity regulated by the Commission.
- The BYPAS complaint fails to provide a statement of the matters giving it a right to relief against ECSC as required by The Administrative Procedures Act. See S.C. Code Ann. §1-23-320(b).
- The BYPAS complaint does not meet the pleading requirements of the South Carolina Rules of Civil Procedure. See Rules 8, 12(b)(6) SCRCR.

For the foregoing reasons, ECSC requests that it be dismissed from this proceeding.

s/Frank R. Ellerbe, III
Frank R. Ellerbe, III
Robinson McFadden & Moore, PC
Post Office Box 944
Columbia, SC 29202
(803) 779-8900

Counsel for The Electric Cooperatives of
South Carolina, Inc.

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**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2016-334-E**

In Re:)	
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BYPAS International,)	
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Complainant/Petitioner)	
)	THE ELECTRIC COOPERATIVES
v.)	OF SOUTH CAROLINA, INC.'S
)	MOTION TO DISMISS COMPLAINT
SCANA/South Carolina Electric & Gas)	
Company and The Electric Cooperatives)	
of South Carolina, Inc.,)	
)	
Defendants/Respondents.)	
_____)	

This is to certify that I, Toni C. Hawkins, a Paralegal with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **The Electric Cooperatives of South Carolina, Inc.'s Motion to Dismiss Complaint** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Joseph Wojcicki
BYPAS International
Post Office Box 2837
West Columbia, SC 29170

K. Chad Burgess
Associate General Counsel
South Carolina Electric & Gas Company
220 Operative Way – MC C222
Cayce, SC 29033-3701

Shannon Bowyer Hudson,
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Dated at Columbia, South Carolina this 14th day of October, 2016.



Toni C. Hawkins