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March 13, 2018

David Butler
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29211

Re: \ Scheduling Issues Related to Docket No. 2017 – 207 – E; Docket No. 2017 – 305 – E; and Docket No. 2017 – 370 – E

Dear David:

I am writing in response to the letter to you from the Office of Regulatory Staff ("ORS) dated March 8, 2018. In it, ORS makes two new requests. First, ORS asks for additional time after the filing of a party's direct testimony in support of its case in chief to allow opposing parties to prepare testimony in reply. Second, ORS asks that due dates not be set on Mondays.

SCE&G is not aware of any rule or practice making Monday a disfavored day for the filing of testimony or other legal documents. However, SCE&G would not object to shifting those due dates that fall on a Monday to the following Tuesday to accommodate ORS. In doing so, the date for further responsive filings should be extended by one day.

SCE&G also would not object to allowing the parties additional time to prepare the testimony that they will file in response to the moving parties' case in chief. That could be accomplished by advancing the moving parties' direct testimony due date to August 1, 2018, or even July 13, 2018, and leaving the response dates where they are currently slotted.

SCE&G would reiterate that it is critically important that SCE&G be given a reasonable opportunity to prepare its defense against the claims that will be made against it by ORS and other parties. A procedural schedule which does less would be a violation of fundamental fairness and due process.

SCE&G is fully prepared to file the direct testimony that is required to support its application and petition. Specifically SCE&G will file testimony:

1. Establishing the prudency of its decision to abandon the nuclear project under the statutory standard set forth in S.C. Code Ann. § 58 – 33 – 280 (K),

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2. Establishing the reasonableness and appropriateness of the costs spent on the project since the last revised rates proceeding under that statute and S.C. Code Ann. § 58 – 33 – 270 (E),
3. Demonstrating the benefits to customers from the proposed merger with Dominion Energy, Inc.,
4. Establishing the terms and benefits of the two customer mitigation plans that are proposed, and
5. Establishing its legal right to the other relief sought in the petition.

What SCE&G cannot do is to anticipate fully or sufficiently the claims that will be made against it by ORS and other parties in their testimony. Due process requires the Commission to provide SCE&G with the opportunity to (and I quote from ORS's March 8, 2018 letter) "thoroughly review testimony, issue discovery, receive discovery responses, and review discovery responses" prior to the due date for filing testimony responding to the claims against it.

For these reasons, it is imperative that the parties who are seeking affirmative relief here, ORS and FOE/Sierra, be required to present their case in chief through prefiled testimony on the same schedule as SCE&G. If they are not prepared to do so they should be required to drop their claims.

Further, SCE&G should have sufficient time – a month or more – to prepare its response to the issues raised by other parties in the initial set of their prefiled testimony. As a docket currently stands there are 13 parties to this proceeding, the majority of whom are likely to assert claims antagonistic to those of SCE&G. It will clearly take more than 14 days to prepare a response to the testimony adverse to SCE&G that is likely to be filed in this matter. Accordingly, however the Commission otherwise structures the procedural schedule, SCE&G should have as much time to respond to the initial prefiled testimony of other parties as those parties are given to respond to SCE&G's initial prefiled testimony.

Attached is a notice of hearing and prefile testimony deadlines that includes the changed dates discussed here. SCE&G reiterates its position that fundamental fairness and due process require the Commission to reject the scheduling proposal submitted by ORS and adopt one consistent with SCE&G's proposal.

Thank you for your consideration of these matters.

Sincerely,

Belton Zeigler /dj

Belton T. Zeigler

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