STATE OF SOUTH CAROLINA

(Caption of Case)
In Re: Friends of the Earth and Sierra Club v. SCE&G, etc.

(Please type or print)
Submitted by: Robert Guild
Address: 314 Pall Mall Street
Columbia, SC 29201

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: Friends of the Earth and Sierra Club Objections to Proposed Schedule

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

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STATE OF SOUTH CAROLINA

(Caption of Case)

In Re: Friends of the Earth and Sierra Club v.
SCE&G, etc.
Docket Nos. 2017-207--E, 2017-305-E and 2017-370-
E

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2017 - 305 - E

(Please type or print)
Submitted by: Robert Guild
Address: 314 Pall Mall Street
Columbia, SC 29201

SC Bar Number: 2358
Telephone: (803) 917 573
Fax: 
Other:
Email: bguild@mindspring.com

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☐ Other: _______________________

NATURE OF ACTION (Check all that apply)

☐ Affidavit
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☐ Brief
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☐ Interconnection Agreement
☐ Interconnection Amendment
☐ Late-Filed Exhibit
☐ Letter
☐ Memorandum
☐ Motion
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☐ Petition for Rule to Show Cause
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☐ Protest
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☐ Report

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☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter
☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☐ Other: _______________________

Print Form  Reset Form
STATE OF SOUTH CAROLINA

(Caption of Case)
In Re: Friends of the Earth and Sierra Club v. 
SCE&G, etc.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2017 - 370 - E

(Please type or print)
Submitted by: Robert Guild
Address: 314 Pall Mall Street
          Columbia, SC 29201

SC Bar Number: 2358
Telephone: (803) 917 573
Fax: Other:

Email: bguild@mindspring.com

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☒ Other: Friends of the Earth and Sierra Club Objections to Proposed Schedule

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Print Form  Reset Form
May 31, 2018

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

In Re: Friends of the Earth and Sierra Club v. SCE&G, etc.  

Dear Ms. Boyd:

Enclosed please find Friends of the Earth and Sierra Club Objections to Proposed Schedule, for consideration in these consolidated proceedings. I certify that I am, this day, filing and serving the parties with this document electronically.

With kind regards I am

Sincerely,

Robert Guild

Encl.s

CC: All Parties
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2017-207-E, 2017-305-E and 2017-370-E

In Re: Friends of the Earth and Sierra Club,
Complainants/ Petitioners,

v.

South Carolina Electric & Gas Co.,
Defendant / Respondent.

In Re: Request of the South Carolina Office
of Regulatory Staff for Rate Relief to SCE&G

In Re: Joint Application and Petition of South Carolina Electric & Gas Company and
Dominion Energy, Inc. for review and
approval of a proposed business combination
between SCANA Corporation and Dominion Energy, Inc., as may be required, and for a
prudence determination regarding the
abandonment of the V.C. Summer Units 2 & 3 Project and associated merger benefits
and cost recovery plans

FRIENDS OF THE EARTH AND SIERRA CLUB OBJECTIONS
TO PROPOSED SCHEDULE
Friends of the Earth (FoE) and the Sierra Club (Sierra) respectfully object to the Commission Staff’s Proposed Schedule for Pre-Filed Testimony, dated May 24, 2018, and submit the following comments and alternative procedural proposals pursuant to 10 S.C. Code Ann. Regs. 103-803 and 845. The Proposed Schedule would work an unusual hardship and difficulty upon FoE and Sierra and would deprive them of due process and a fair opportunity to be heard in these proceedings by requiring them to pre-file direct testimony and exhibits on or before July 10, 2018 - a mere 40 days from today - without obtaining discovery of evidence wrongfully withheld by SCE&G, pending since July 7, 2017, and the subject of two (2) Motions to Compel Discovery pending before the Commission. Adoption of the Proposed Schedule would reward SCE&G for its dilatory and obstructionist refusal to produce discovery of material evidence central to the determination of the claims and defenses in these consolidated proceedings, would impede and hinder the Commission’s ability to reach a just and fair determination of these proceedings and would be contrary to the public interest.

In the alternative, Friends of the Earth and the Sierra Club propose, consistent with the Order consolidating these proceedings, that the Commission should require a single, unified schedule for prefiling testimony and exhibits; should recognize that FoE and Sierra are, in substance, aligned with other Respondent parties, adverse to SCE&G and Dominion Energy, and require an initial prefiling of testimony and exhibits by FoE and Sierra, along with all other Respondents, on or about September 18, 2018, as proposed by the Office of Regulatory Staff (ORS), with Surrebuttal Testimony and Exhibits to follow, in turn, as proposed by ORS. Such an alternative schedule would permit a resolution of pending discovery disputes, facilitate access by FoE and Sierra to
evidence needed for fair and effective hearing preparation and deter SCE&G from further dilatory and obstructionist discovery tactics.

The Commission should recognize that FoE and Sierra are, in substance, aligned with other Respondent parties, adverse to SCE&G and Dominion Energy and require a single, unified schedule for prefiling testimony and exhibits. In their June 22, 2017, Complaint proceeding, Docket No. 2017-207-E, FoE and Sierra sought the following relief: abandonment of the nuclear project, relief for ratepayers and adoption of an alternative future energy resource plan—claims which are either resolved by the project’s subsequent abandonment or subsumed by the claims and defenses in the consolidated proceedings. Determination of the treatment of abandoned project costs—either by the Joint Application’s claims, the rate relief claims by ORS, or the ratepayer relief claims or defenses of the other parties must be resolved by the Commission. For all intents and purposes FoE and Sierra interests are aligned with other Respondent parties and not with SCE&G and Dominion. Similarly, future post project abandonment resource planning issues will be addressed in the determination of SCE&G and Dominion’s merger claims where Dominion’s proposed central station natural gas expansion strategy will be considered against an energy efficiency and renewable alternative future plan. In all respects alignment of FoE and Sierra with other Respondents and adoption of a single, consolidated prefiling schedule will serve the interests of due process, fairness and judicial efficiency and should be adopted by the Commission.

Finally, the Commission should recognize that critical issues regarding the prudence of project abandonment, entitlement by SCE&G to continued recovery of
abandoned project costs and relief for ratepayers will be determined by evidence adduced from the testimony of hostile or adverse witnesses, including former employees of SCE&G, compelled by subpoena and by the production of documentary evidence at hearing through compulsory process directed at SCE&G. Under such circumstances, adoption of the unified prefiling schedule as proposed here and by ORS will facilitate the timely resolution of pending discovery disputes and the efficient hearing and determination of the highly complex and significant issues in these proceedings.

For the foregoing reasons, Friends of the Earth and the Sierra Club respectfully object to the Commission Staff’s Proposed Schedule for Pre-Filed Testimony, dated May 24, 2018, and propose, instead, the adoption of the unified schedule proposed herein and by ORS.

Robert Guild  
314 Pall Mall  
Columbia, South Carolina 29201  
(803) 917-5738  
ATTORNEY FOR  
FRIENDS OF THE EARTH  
AND SIERRA CLUB

May 31, 2018