PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER ☐ DATE December 14, 2016
MOTOR CARRIER MATTER ☐ DOCKET NO. 2016-223-E
UTILITIES MATTER ✓ ORDER NO.

SUBJECT:
DOCKET NO. 2016-223-E - Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina - Staff Presents for Commission Consideration the Petition for Rehearing or Reconsideration Filed on Behalf of the Sierra Club.

COMMISSION ACTION:
There are three Petitions for Rehearing or Reconsideration of Order No. 2016-794 before us.

First, considering the Petition of Sandra Wright, this Petition was filed outside the legal ten-day filing period for such Petitions, and was therefore untimely. Accordingly, I move that this Petition be denied.

Second, with regard to the Petition filed by the South Carolina Coastal Conservation League, I move that, as suggested in Order No. 2016-794, we hold that the discussions and recommendations contained in that Petition and Ms. Napoleon’s testimony would be better presented in the yearly demand-side management proceeding held for the Company. Consideration of the concerns presented by the Coastal Conservation League in the present Docket would result in piecemeal review of the Company’s demand side management program, and may prejudice other interested parties who are not represented in this proceeding. For these reasons, I move that we deny the Coastal Conservation League’s Petition.

Third, considering the Petition of the Sierra Club, I also move that this Petition be denied for several reasons. First, the Petition contains eleven purported errors presented in conclusory language and unsupported by citations to the transcript or any sustained legal or regulatory analysis. In most instances, the allegations are inadequate to fairly indicate to the Commission precisely why the Sierra Club believes that Order No. 2016-794 is in error and how those asserted errors can be addressed, corrected, or explained. Second, many of the allegations of error in the Sierra Club’s Petition have already been discussed and adjudicated in Order No. 2016-794. Third, the factual rulings of the Commission in that Order were supported by substantial evidence, and the legal rulings were based on reasonable grounds under the Base Load Review Act and the case law. Fourth, no party was denied their due process rights, whether they were a signatory to the settlement agreement or not.

Accordingly, Mr. Chairman, because of the reasons stated, I move that all three Petitions for Rehearing or Reconsideration be denied.

PRESIDING:
Whitfield

SESSION: Regular TIME: 2:00 p.m.

MOTION YES NO OTHER
ELAM ✓ ✓ ☐
FLEMING ☐ ✓ ☐
HALL ☐ ✓ ☐