STATE OF SOUTH CAROLINA

Application of South Carolina Electric & Gas Company for Increases and Adjustments in Electric Rate Schedules and Tariffs

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2009 - 489 - E

(Please type or print)

Submitted by: K. Chad Burgess

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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:

INDUSTRY (Check one)

☒ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer

☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other:

NATURE OF ACTION (Check all that apply)

☒ Letter
☐ Memorandum
☐ Motion
☐ Objection
☐ Petition
☐ Petition for Reconsideration
☒ Request
☐ Request for Certification
☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter

☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☐ Other:
February 5, 2010

VIA ELECTRONIC FILING

The Honorable Charles Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive (29210)
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of South Carolina Electric & Gas Company for Increases and Adjustments in Electric Rate Schedules and Tariffs
Docket No. 2009-489-E

Dear Mr. Terreni:

Enclosed for filing on behalf of South Carolina Electric & Gas is the Company’s Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki in the above referenced docket.

By copy of this letter, we are also serving Mr. Wojcicki and counsel for the South Carolina Office of Regulatory Staff with a copy of the enclosed document and attach a certificate of service to that effect.

If you have any questions, please advise.

Very truly yours,

K. Chad Burgess

cc: Nanette S. Edwards, Esquire
Shannon Bowyer Hudson, Esquire
Joseph Wojcicki
(all via First-Class U.S. Mail)
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-489-E

IN RE:
Application of South Carolina Electric &
Gas Company for Increases and
Adjustments in the Company’s Electric
Rate Schedules and Tariffs.

RETURN IN OPPOSITION AND
OBJECTION OF SOUTH CAROLINA
ELECTRIC & GAS COMPANY TO
THE PETITION TO INTERVENE

South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby files with
the Public Service Commission of South Carolina ("Commission") this Return in Opposition and
Objection to the Petition to Intervene of Mr. Joseph Wojcicki, filed on or about February 2, 2010
("Petition to Intervene"), in the above-captioned matter.

ARGUMENT

The instant docket involves SCE&G’s application for increases and adjustments in the
Company’s electric rate schedules and tariffs. By electronic mail dated February 2, 2010,
counsel for SCE&G received a document styled as "Petition to Intervene" from Joseph Wojcicki
in the above-referenced docket. SCE&G respectfully requests that the Commission deny Mr.
Wojcicki’s request because Mr. Wojcicki lacks standing to intervene in this proceeding or,
alternatively, because Mr. Wojcicki’s Petition to Intervene fails to comply with applicable
Commission regulations.¹

¹As an initial matter, Mr. Wojcicki did not obtain consent from SCE&G to serve filings
made in this docket upon the Company by e-mail or electronic service. See 26 S.C. Code Ann.
Regs. 103-830.1 (1976, amended). Notwithstanding Mr. Wojcicki’s failure to comply with the
Commission’s rules and regulations, the Company’s response to Mr. Wojcicki’s Petition to
I. The Commission should deny the Petition to Intervene because Mr. Wojcicki is not an electric customer of SCE&G and therefore lacks standing to participate in this proceeding.

The grant or denial of a petition to intervene is within the sound discretion of the Commission. However, such discretion is bounded by guiding principles and factors. One such principle is that a party generally must have standing to intervene. See generally Ex Parte Gov't Employee's Ins. Co., 373 S.C. 132, 644 S.E.2d 699 (2007).

According to SCE&G’s customer service records, the Company does not provide electric service to Mr. Wojcicki. Simply stated, Mr. Wojcicki is not an electric customer of SCE&G. See attached Exhibit A (Affidavit of Marsha H. Klatt). Because Mr. Wojcicki is not a customer, he does not possess the requisite standing to be a party of record in this docket. Cf. Duke Power Company v. South Carolina Public Service Commission, 284 S.C. 81, 326 S.E.2d 395 (1985) (holding that the actual ratepayers lacked standing because their asserted interests were “too contingent, hypothetical, and improbable to support standing to attack the ... practices of the Public Service Commission”). Consequently, Mr. Wojcicki has failed to meet the threshold required to qualify as an intervenor in this proceeding, and his Petition to Intervene must be denied.

II. The Commission should deny the Petition to Intervene because Mr. Wojcicki failed to comply with applicable Commission regulations.

Notwithstanding Mr. Wojcicki’s lack of standing to participate in this matter, the Commission should also deny the Petition to intervene because the Petition itself fails to comply with applicable Commission regulations. Those regulations require that a petition for intervention “shall set forth clearly and concisely” (i) the facts from which the petitioner’s right Intervene should not be construed as SCE&G’s consent to accept service electronically of any future filings made by Mr. Wojcicki or any other party in this docket. Therefore, the Company is not waiving, but specifically reserves its rights under Reg. 103-830.1.
or interest can be determined, (ii) the grounds of the proposed intervention, and (iii) the position of the petitioner in the proceeding. See 26 S.C. Code Ann. Regs. 103-825(A)(3). Mr. Wojcicki’s Petition to Intervene does not include any statement which can be construed as satisfying the Commission’s requirements contained in Rule 103-825(A)(3). The Petition to Intervene does not include any facts from which Mr. Wojcicki’s right or interest can be determined, and it does not state any grounds for the proposed intervention. Moreover, the Petition to Intervene fails to state Mr. Wojcicki’s position in this docket. Mr. Wojcicki’s Petition to Intervene amounts to a single sentence request to be made a party of record and nothing more, which is insufficient – as a matter of law – to bestow intervention status upon Mr. Wojcicki. In light of these shortcomings, no basis or grounds exist in support of the petition, and the Petition to Intervene should therefore be denied.

**CONCLUSION**

For the reasons set forth above, SCE&G respectfully requests that the Commission deny the Petition to Intervene.

Respectfully submitted,

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Matthew Gissendanner, Esquire  
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Attorneys for Applicant
South Carolina Electric & Gas Company

Cayce, South Carolina
February 5, 2010
Exhibit A

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-489-E

IN RE:

Application of South Carolina Electric & Gas Company for Adjustments and Increases in the Company's Electric Rate Schedules and Tariffs.

AFFIDAVIT

Personally appeared before me Marsha H. Klatt who, having first been duly sworn, deposes and states as follows:

1. My name is Marsha H. Klatt and I am a Senior Analyst for South Carolina Electric & Gas Company ("SCE&G" or "Company").

2. This affidavit is based upon my personal knowledge and review of documents received and maintained in the ordinary course of business by SCE&G. I am familiar with the records of SCE&G that pertain to its customers.

3. I conducted a search of the Company's records and determined that Mr. Joseph Wojcicki is not an electric customer of SCE&G.

FURTHER AFFIANT SAYETH NOT.

Sworn to and subscribed before me
this 5th day of February, 2010

Marsha H. Klatt

Notary Public for South Carolina
My Commission Expires: 5/30/2017
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-489-E

IN RE:
South Carolina Electric & Gas Company 
Application for Increase in Electric Rate 
Schedules and Tariffs 

CERTIFICATE 
OF SERVICE

This is the certify that I have caused to be served this day a copy of South Carolina Electric & Gas Company's Return in Opposition and Objection to the Petition to Intervene via First Class U.S. Mail to the persons named below at the address set forth:

Nanette S. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

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

Joseph Wojcicki
820 East Steel Road
West Columbia, SC 29170

Columbia, South Carolina

This 5th day of February 2010

Karen M. Scruggs