STATE OF SOUTH CAROLINA

Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction and Operation of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVERSHEET

DOCKET
NUMBER: 2016 - 223 - E

(Please type or print)
Submitted by: Matthew W. Gissendanner
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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:

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July 8, 2016

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: 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;
Docket No. 2016-223-E

Dear Ms. Boyd:

Enclosed for filing is South Carolina Electric & Gas 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 do not hesitate to contact us.

Yours very truly,

Matthew W. Gissendanner

MWG/kms
Enclosures

cc: Joseph Wojcicki
Dawn Hipp
Jeffrey M. Nelson, Esquire
Shannon Bowyer Hudson, Esquire
(all via electronic mail and U.S. First Class Mail w/enclosures)
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2016-223-E

IN RE:

Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction and Operation of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina. 

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

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 with the Commission on or about July 6, 2016, in the above-captioned matter. For the reasons set forth herein, SCE&G respectfully requests that the Commission deny Mr. Wojcicki's request to intervene in this docket.

ARGUMENT

The Commission should deny the Petition to Intervene because Mr. Wojcicki lacks the requisite 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

applied the law established in those cases, and ruled that Mr. Wojcicki lacked the requisite standing to intervene in Docket No. 2009-489-E. See Order No. 2010-221.

In Docket No. 2012-203-E, Mr. Wojcicki sought to intervene in another SCE&G proceeding, where, as here, SCE&G sought updates and revisions to schedules related to V.C. Summer Nuclear Units 2 and 3. By Order No. 2012-495 dated July 17, 2012, the Commission ruled that Mr. Wojcicki’s petition failed to meet the legal standards for a petition to intervene in South Carolina. Accordingly, the Commission denied his request to intervene.

Undeterred, Mr. Wojcicki sought to intervene in additional SCE&G proceedings under the Base Load Review Act (“BLRA”). See Docket Nos. 2012-186-E, 2013-150-E, and 2014-187-E. By Order Nos. 2012-628, 2013-481, and 2014-733, the Commission denied Mr. Wojcicki’s request to intervene. Nothing has changed since the rulings issued by the Commission in the dockets referenced herein to warrant a different outcome in this proceeding, and therefore, the Commission should deny Mr. Wojcicki’s request to intervene in the instant docket.

According to SCE&G’s customer service records, the Company does not provide electric service to Mr. Wojcicki. See attached Exhibit A (Affidavit of Carolyn B. Frick). Because Mr. Wojcicki is not an SCE&G customer, he does not possess the requisite standing to be a party of record in this docket. Cf. Duke Power Co. v. South Carolina Pub. Serv. Comm’n, 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").

Moreover, Mr. Wojcicki’s assertion that he is “a SCANA shareholder” does not constitute a “personal stake” thereby elevating him to the status of an intervenor. *Id.* Mr. Wojcicki made the same assertion in his attempt to intervene in Docket 2012-203-E; and the Commission found that the assertions did not constitute a basis for standing in that docket. *See* Commission Order No. 2012-495.

Based on the foregoing, 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. *See* Commission Order No. 2012-495. Therefore, SCE&G respectfully requests that the Commission deny the Petition to Intervene.

Respectfully submitted,

[Signature]

K. Chad Burgess, Esquire
Matthew Gissendanner, Esquire
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220 Operation Way
Cayce, SC 29033-3701
Telephone: 803-217-8141
Facsimile: 803-217-7931
chad.burgess@scana.com
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Attorneys for
South Carolina Electric & Gas Company

Cayce, South Carolina
July 8, 2016
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2016-223-E

IN RE:
Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction and Operation of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina

AFFIDAVIT OF CAROLYN B. FRICK

Personally appeared before me Carolyn B. Frick who, having first been duly sworn, deposes and states as follows:

1. My name is Carolyn B. Frick and I am a Lead 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.

Carolyn B. Frick

Sworn to and subscribed before me this 8th day of July, 2016.

Notary Public for South Carolina
My Commission Expires:
KAREN WEEKS
PUBLIC NOTARY
SOUTH CAROLINA
10/26
BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2016-223-E

IN RE:

Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction and Operation of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina

CERTIFICATE OF SERVICE

This is the certify that I have caused to be served this day one (1) copy of South Carolina Electric & Gas Company’s Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki to the persons named below at the address set forth via electronic mail and U.S. First Class Mail:

Joseph Wojcicki
820 East Steele Road
West Columbia, SC 29170
joe4ocean@aim.com

Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
shudson@regstaff.sc.gov

Jeffrey M. Nelson, Esquire
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Columbia, SC 29201
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Dawn Hipp
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
dhipp@regstaff.sc.gov

Cayce, South Carolina
This 8th day of July 2016

Karen M. Scruggs