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July 10, 2020

VIA ELECTRONIC FILING

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

RE: Application of Daufuskie Island Utility Company, Incorporated for Approval of an Increase for Water and Sewer Rates, Terms and Conditions – Docket No. 2014-346 WS

Dear Ms. Boyd:

On June 16, 2020, Daufuskie Island Utility Company ("DIUC") filed the Second Rehearing Direct Testimony of John F. Guastella. Mr. Guastella's testimony included a Statement of Proposed Rates in Exhibit JFG-RR7 that DIUC requests the Commission to authorize DIUC to charge its customers. DIUC's newly proposed rates exceed the rates included in DIUC's Application and previously noticed to DIUC's customers.

ORS respectfully submits that DIUC should afford its customers additional notice consistent with the dictates of due process as soon as practicable. Article I, Section 22 of the South Carolina Constitution provides that "[n]o person shall be finally bound by a . . . quasi-judicial decision of an administrative agency . . . except on due notice and an opportunity to be heard[.]" The South Carolina Administrative Procedures Act specifically requires "[o]pportunity be afforded all parties to respond," S.C. Code Ann. § 1-23-320(E), and that "[f]indings of fact must be based exclusively on . . . matters officially noticed." *Id.* at -320(I). Additionally, the fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review. Kurschner v Cit of Camden Plannin Com'n 376 S.C. 165, 172, 656 S.E.2d 346, 350 (2008).

When a utility files a new schedule of rates, the Public Service Commission of South Carolina ("Commission") determines the level of notice to prescribe. *See* S.C. Code 58-5-240(B).

DIUC's customers have not received notice of the new rates proposed by DIUC. Therefore, customers of DIUC are at a significant disadvantage as they are unaware the Commission may consider a proposal by the Company to increase rates over the rates contained in the Application and previously noticed.[1]

Rates put into effect by DIUC must not violate the due process rights of its customers. Accordingly, ORS respectfully requests that the Commission direct DIUC to afford its customers additional notice consistent with the dictates of due process as soon as practicable.

Sincerely,

s/ Andrew M. Bateman

Andrew M. Bateman

cc: All Parties of Record (via e-mail)
David Butler, Esquire (via e-mail)

[1] A comparison of the rates and charges proposed in DIUC's Application and those proposed through Mr. Guastella's Exhibit JFG-RR7 is provided in Exhibit DMH-2 of the Second Rehearing Direct Testimony of ORS witness Dawn Hipp.

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