BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 95-1085-E - ORDER NO. 95-1521

SEPTEMBER 14, 1995

IN RE: Petition of Duke Power Company for Approval of the Transfer of Property in South Carolina.	)))))	ORDER GRANTING MOTION FOR EXPEDITED APPROVAL AND APPROVING SALE OF PROPERTY

This matter comes before the Public Service Commission of South Carolina (the Commission) on the August 21, 1995 Petition of Duke Power Company (Duke or the Company) for approval of the disposition of one parcel of real-estate in South Carolina. The Petition was filed pursuant to §58-27-1300, South Carolina Code of Laws (1976), as amended. The parcel is located in Duke's service area and is not required for current utility operations. The property to be transferred consists of the following: 33.79 acres of land located at the northwest quadrant of Canaan Church Road and Sims Chapel Road in Spartanburg, South Carolina.

The Commission's Executive Director required Duke to publish, one time, in a newspaper of general circulation a Notice of Filing informing interested persons of how to participate in the proceeding. Duke has filed affidavits showing compliance with the order of the Executive Director. No Petitions to Intervene or Protest were received.

On September 7, 1995, Duke filed a Motion for Expedited Approval in this matter. The Motion noted that the property involved was listed for sale on March 29, 1995, with Marion R. Griffin & Company, Inc. of Spartanburg, South Carolina. On August 7, 1995, Duke and John and Kathy Rauschenback entered into a contract at a price of $380,000 for the property. The estimated market value is reported in the appraisal by Marion R. Griffin, dated March 3, 1995 is $354,000.

Duke noted that on August 24, 1995, it published a Notice of Filing in the Spartanburg Herald-Journal, and that there have been no interventions. Duke filed verified testimony of its witness in this matter, David G. Stacy, on August 21, 1995.

Duke states that in view of the goal of efficiency on the part of Duke and the Commission, Duke believes that to require a separate public hearing on the sale of this property under these conditions would be inappropriate, and that the weekly Commission hearing is an appropriate forum to approve the proposed sale. Duke states that the sale will not adversely affect the general body of customers. Therefore, it requests that the Commission approve its Petition at its regularly scheduled Tuesday meeting and waive a formal hearing.

The Commission notes the filing of the verified testimony of the witness for Duke, David G. Stacy, attesting to the matters stated above.

The Commission has examined both the Motion for Expedited Approval, and the request to approve the sale of the property at

issue, and believes that both may be granted. Although Section 58-27-1300 of the Code requires "due hearing" before such sale may be approved, we believe that, under the circumstances of the case at bar, a "paper hearing" is appropriate. No Protests or Petition to Intervene have been lodged in this case, and there seems to be no opposition to the matter. The verified testimony of the Company's witness has been filed attesting to all relevant matters in the case. The Commission therefore holds that in this particular case, a "paper hearing" is appropriate. The Commission cautions Duke, however, that in future matters, the Commission will make a judgment on a case-by-case basis as to whether a "paper hearing" is appropriate in any given matter before it.

The Commission has also examined the verified testimony of the witness, and believes that the Petition for approval should be granted.

IT IS THEREFORE ORDERED THAT:

1. The Motion for Expedited Approval is granted.

2. The Petition to allow transfer of certain Duke properties is hereby granted.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Rudolph Mitchell
Chairman

ATTEST:

Charles W. Saltzman
Executive Director

(SEAL)