

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2016-330-E - ORDER NO. 2016-752

OCTOBER 19, 2016

IN RE: Dick Lee Goold, Complainant/Petitioner v.) ORDER GRANTING
Duke Energy Carolinas, LLC,) MOTION FOR
Defendant/Petitioner) SUMMARY JUDGMENT

This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of a Complaint filed by Dick Goold on September 4, 2016, against Duke Energy Carolinas, LLC (“DEC” or the “Utility”). The Complaint only states that, in 2011 while replacing overhead secondary distribution service, “Duke Power of Greenwood SC... installed #2 awg triplex secondary overhead distribution cable to a 200 amp home on a branch circuit.” Mr. Goold also attaches a letter from the South Carolina Department of Health and Environmental Control, which says that the agency has no authority over electromagnetic radiation, although there is no context given for why that letter is included with the Complaint. The relief that Mr. Goold vaguely requests is “Service per NESC and compensation for violation of 5 USC 552a.”

Duke Energy Carolinas has filed a Motion for Summary Judgment asserting that the Complaint contains no issue of material fact. The Motion for Summary Judgment includes verified testimony stating that Mr. Goold lacks standing because he is not the customer of record at the address listed on the Complaint. Verified testimony further states

that an inspection was performed at the residence in question, and the lines servicing the residence are in compliance with NESC standards and this Commission's regulations. Additionally, although the Office of Regulatory Staff has not filed a substantive response to Mr. Goold's assertions, DEC's motion states that the Office of Regulatory Staff has confirmed that no Commission regulations were violated.

We conclude that summary judgment, under Rule 56 of the South Carolina Rules of Civil Procedure, is appropriate when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Further, we also conclude that 5 U.S.C. § 552a referred to in the Complaint deals with records maintained on individuals by certain federal agencies, and this Commission is a state agency. It is also apparent that Mr. Goold is not a customer of the utility. Duke Energy Carolinas argues that a statement by an individual who is not a customer of the Utility, seeking compensation for violation of this federal statute without any explanation as to the relevancy of the legal citation, fails to state a claim upon which relief can be granted.

We agree. In addition to the vague and inapplicable statutory reference, Mr. Goold is not a customer of DEC, and his Complaint fails to state any genuine issue of material fact that can be adjudicated. As such, the Motion for Summary Judgment is granted and the Complaint is dismissed.

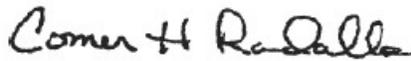
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Swain E. Whitfield, Chairman

ATTEST:



Comer H. Randall, Vice Chairman