

CHAPTER 103

Public Service Commission

(Statutory Authority: 1976 Code Sections 58-3-140, 58-5-210, 58-23-10, 58-23-590, 58-23-1010, 58-23-1830, 58-27-150, 58-37-60 and 58-41-20)

ARTICLE 4

Gas Systems

Subarticle 1

General

103-400. Authorization of Rules.

A. Section 58-5-210 of the Code of Laws of South Carolina, 1976, provides: “That the Public Service Commission is hereby, to the extent granted, vested with power and jurisdiction to supervise and regulate the rates and service of every ‘Public Utility’ in this State as defined in this Act, together with the power, after hearing, to ascertain and fix such just and reasonable standards, classifications, regulations, practices and measurements of service to be furnished, imposed, observed and followed by every public utility in this State, and the State hereby asserts its rights to regulate the rates and services of every ‘Public Utility’ as herein defined.”

In accordance with the above provisions, the Public Service Commission has adopted the following Rules and Regulations and fixed the following standards for gas service. All previous rules or standards are hereby revoked, annulled, and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility.

Furthermore, these rules shall not in any way relieve the commission, the Office of Regulatory Staff, or the utilities of any duties under the laws of this State.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-401. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, association, establishment, or corporation which is now or may hereafter become engaged as a public utility in the business of furnishing

gas to any gas customer within the State of South Carolina, except where municipalities or agents thereof, and/or any gas authorities are specifically exempted by statute.

2. Purpose. The rules are intended to define good practice. They are intended to insure adequate and reasonable service. The utilities shall assist the commission in the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rules or regulations may be waived by the commission upon a finding by the commission that such waiver is not contrary to the public interest.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-402. Definitions.

The following words and terms, when used in these rules, shall have the meaning indicated:

1. Commission. "Commission" means the Public Service Commission of South Carolina.
2. Consolidated Political Subdivision. A "consolidated political subdivision" means that it exists pursuant to the Constitution of this State, and shall not be deemed a city, town, county, special purpose district or other governmental unit merged therewith.
3. Customer. "Customer" means any person, firm, association, establishment, partnership or corporation, or any agency of the Federal, State, or local government, being supplied with gas service by a gas utility under the jurisdiction of this commission.
4. Gas. "Gas" or "Natural Gas" means either natural gas unmixed, or any mixture of natural and manufactured gas, including but not limited to, synthetic natural gas and liquefied petroleum.
5. Gas Service. "Gas Service" means those functions performed by a gas utility for its customers, including the purchase and/or manufacture of gas, storage of gas, transportation and delivery of gas to the customer.
6. Gas System. "Gas System" includes any gas utilities operating within this State, including gas authorities, municipalities, public service districts and other political subdivisions of this State insofar as they are within the jurisdiction of the commission for regulation of safety standards and conditions, pursuant to S. C. Code Ann. Section 58-5-920(f) (1976).
7. Gas Utility. "Gas Utility" includes every privately-owned corporation, firm or person furnishing or supplying gas service to the public, or any portion thereof, for compensation. Provided, however, this term shall not include any gas utility owned or operated by any municipality or agency thereof; nor shall it include any gas utility owned or operated by any gas authority specifically exempted by statute from the jurisdiction of the commission.
8. Municipality. "Municipality" includes a city, town, county, township and any other corporation existing, created or organized as a governmental unit under the Constitution and Laws of this State.

9. ORS. “ORS” means the Office of Regulatory Staff.

10. PHMSA. Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation (“DOT”).

11. Rate. “Rate” when used in these Rules and Regulations means and includes every compensation charge, toll, rental, and classification, or any of them, demanded, observed, charged or collected by any gas utility for any gas service offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, toll, rental or classification.

12. Local Office or Business Office. These terms mean that in the event a gas utility operates a local office or business office set forth in this article, then the gas utility shall comply with the requirements of the section or subsection of the regulation addressing such local office or business office. In the event the utility does not operate a local office or business office, the section or subsection of the regulation does not apply to the gas utility.

13. Mail. The term “mail” means a communication sent by U.S. Mail or the notice method selected by the gas utility customer and maintained in the customer’s records at the gas utility.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-403. Authorization for Rates and Charges.

A. All rates, tolls and charges proposed to be put into effect by any gas utility shall be first approved by the commission before they shall become effective, unless they are exempt from such approval by statute, Order of this commission, or other provision of law.

B. No schedule of rates, tolls, or charges under jurisdiction of the commission, differing from the approved tariffs or rates, shall be changed until after proposed change has been approved by the commission.

C. No rates, tolls, charges, nor service of any gas utility shall be deemed approved nor consented to by mere filing of schedules or other evidence thereof in the offices of the commission, unless such proposed adjustment is made in accordance with tariff provisions which have previously been approved by the commission.

D. All contracts between any industrial customer and any gas utility which establish or adjust rates for that industrial customer may become effective as of the dates of the contracts unless disapproved or modified by the commission in the public interest. Such contracts shall be provided to the ORS and filed with the commission within seven (7) days of execution.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-404. Territory and Certificates.

A. No public utility supplying gas to the public shall hereafter begin the construction or operation of any gas facility, or of any extension thereof, without first obtaining from the commission a certificate that public convenience and necessity requires or will require such construction or operation; such certificate to be granted only after notice to ORS, other interested gas utilities and to the public, and after due hearing; provided, however, that this regulation shall not be construed to require any such gas utility to secure a certificate for any extension within any municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it, necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another gas utility; but if any gas utility in constructing or extending its lines, plant or facilities unreasonably interferes, or is about to unreasonably interfere, with the service or system of any other gas utility, the commission may make such order and prescribe such terms and conditions in harmony with this regulation as are just and reasonable.

B. The term “public utilities supplying gas to the public” shall include all utilities supplying gas to the public, including natural gas and manufactured gas when such manufactured gas is used to supplement flowing gas supply.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-405. Utility Rules and Regulations.

Each gas utility shall adopt such rules, regulations, practices, service requirements, terms and conditions, etc. as may be necessary in the operation of gas service to its customers which shall be provided to the ORS and filed with and subject to review and order of the commission, unless otherwise specified.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 2

Records and Reports

103-410. Location of Records and Reports.

All records required by these rules or necessary for the administration thereof, shall be kept, at the discretion of the utility, either within this State or in an accessible cloud-based or other electronic records retention system. These records shall be available for examination by the ORS or its authorized representatives at all reasonable hours.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-411. Retention of Records.

1. Retention Period. Unless otherwise specified by the commission or by regulations governing specified activities, all records required by these rules and regulations shall be preserved for two years.

2. Test and Inspection Records. A complete record shall be kept of all tests and inspections made under these rules as to the quality or condition of service which it renders.

3. Contents of Test Records. All records of tests shall contain complete information concerning the test, including the date, hour, and place where the test was made; the name of the person making the test and the result.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-412. Data to be Filed with the Commission and Provided to the ORS.

1. Annual Report. Each gas utility operating in this State shall make an annual report to the commission and ORS giving such information as the commission may direct. This Annual Report shall include the same information included in FERC Form 2; thus, the gas utility can file its FERC Form 2 with the commission and the ORS or an Annual Report with the equivalent information.

2. Current Information and Documents. The gas utilities shall file with the commission and provide to the ORS the following documents and information.

2.1. Tariff. A copy of the gas utility's tariff which shall include:

A. A copy of each schedule of rates for service, together with applicable riders.

B. A copy of the gas utility's rules or terms and conditions, describing the gas utility's policies and practices in rendering jurisdictional gas service. These rules shall include:

1. The minimum and maximum heating value of the gas in BTU's per cubic foot.

2. A list of the classes of items which the gas utility furnishes and maintains on the customer's premises, such as service pipe, meters, regulators, vents and shutoff valves.

3. A statement indicating the minimum number of days allowed for payment of the gross amount of the customer's bill before service will be discontinued for non-payment.

4. A statement indicating the volumetric measurement base to which all sales of gas at other than standard delivery pressure are corrected.

C. Tariffs must be filed with the office of the Chief Clerk of the commission and, on that same day, provided to the Executive Director of the ORS.

2.2. Customer Bill. A copy of each type of bill form used in billing for gas service must be provided to the ORS.

2.3. Operating Area Map. A map showing the gas systems operating area. This map shall be revised as necessary and made available to the ORS upon request. The map should show:

a. Gas production plant.

- b. Principal storage facilities.
- c. Transmission lines and principal mains by size and valves located thereon.
- d. System metering (supply) points.
- e. State boundary crossings.
- f. Certified area and/or territory served.
- g. Names of all communities (post offices) served.

2.4. Authorized Representative. The gas utility shall advise the commission and ORS of the name, title, address and telephone number of the person or persons who should be contacted in connection with:

- a. General management duties.
- b. Customer relations (complaints).
- c. Engineering and/or operations.
- d. Meter tests and repairs.
- e. Emergencies during non-office hours.

2.5. Contract Forms. A copy of the gas utility's gas service contract forms, and special gas service contract forms shall be provided to the ORS.

2.6. Pipeline Safety. All gas systems subject to pipeline safety regulation shall file with the commission and provide to the ORS those reports, policies and procedures required by the Federal Pipeline Safety Regulations: Minimum Safety Standards for the Transportation of Natural Gas and Other Gas, 49 C.F.R., as amended from time to time, to include, but not limited to, the following:

- a. Inspection and maintenance manual.
- b. Emergency plan.
- c. Welders. Listing of welders and proof of qualifications.

2.7. New Construction. All gas systems subject to pipeline safety regulation shall notify the commission and the ORS of any construction projects meeting either of the criteria below:

A. Projects resulting in a cost of \$500,000 or more, whether steel, plastic, or other materials are installed or;

B. Projects involving 25,000 feet of piping or more, whether steel, plastic, or other material(s) are utilized.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-413. Inspection of Gas Systems.

A. Each gas system shall, upon request of the commission or ORS, provide to the ORS a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as the commission or ORS may require.

B. Each gas system shall keep sufficient records to give evidence of compliance with its inspection program.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-414. Interruption of Service.

Each gas utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division thereof, or any major community or any important division, consisting of at least fifty customers, of a community, including a statement of the time, duration and cause of such interruption. The commission and ORS are to be notified by telephone of any such interruption as soon as practicable after it comes to the attention of the gas utility and a complete written report made to the commission and ORS after restoration of service, if such interruption is more than six hours in duration.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-415. Incidents.

A. Each gas system shall, as soon as possible, report to the ORS each incident occurring wherein there exist either: (a) serious injury or death of any person; (b) property damage in excess of \$5,000, in the gas system's commercially reasonable estimation, including the gas system's cost of lost gas exiting the gas system's lines to a customer's meter and the expense to make repairs to its facilities or property; or (c) an event that is significant in the judgment of the gas system.

B. Each gas system shall establish and follow procedures for analyzing, reporting and minimizing the possibilities of any future incidents.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-417. Meter History.

Each gas utility shall maintain records of the following data, where applicable, for each billing meter for so long as such meter is in possession of the gas utility and for at least twelve months thereafter.

- a. Date of purchase.
- b. The complete identification—manufacturer, number, type, size, capacity, multiplier, and constants.
- c. The current and last previous locations, and the dates of installation at and removal from service at such locations.
- d. Repairs.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-418. Meter Test Records and Reports.

A. Each gas utility shall maintain records of at least the last two tests made of any billing meter. The record of the meter test made at time of the meter's retirement shall be maintained for a minimum of two years. Test records shall include the following:

1. The date and reason for the test.
2. The reading of the billing meter before making any test.
3. The accuracy "as found" at check and open rated flow (up to 10,000 cfh).
4. The accuracy "as left" at check and open rated flow (up to 10,000 cfh).

5. In the event test of the meter is made by using a test meter or a flow prover, the gas utility shall retain all data taken at the time of the test in sufficiently complete form to permit the convenient form to permit the convenient checking of the test methods and the calculations.

B. Whenever any gas service meter is tested the original test record shall be preserved, including the information necessary for identifying the meter, the reason for making the test, the reading of the meter upon removal from service, and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit convenient checking of the methods employed and the calculations.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 3

Meters

103-420. Meter Requirements.

1. General. Service shall be measured by meters furnished by the gas utility unless otherwise authorized by the commission, and such meters shall maintain the degree of accuracy as set forth in regulation 103-423.

2. Measurement. Where applicable, each gas meter shall indicate clearly the unit of gas registered by such meter. Where gas is metered under high pressure, or where the quantity is determined by calculation from recording devices, the gas utility shall, when requested, supply the customer with such information as will make clear the method by which the quantity is determined.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-421. Meter Reading.

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis of not less than twenty-eight days nor more than thirty-four days.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-422. Meter Reading Data.

The meter reading data maintained by the gas utility shall include:

- a. Customer's name and service address.
- b. Identifying number and/or description of the meter(s).
- c. Meter Readings.
- d. If the reading has been estimated.
- e. Location of meter on premises, or special reading instructions, if applicable.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-423. Meter Accuracy and Condition.

A. Every gas meter, whether new, repaired, or removed from service, shall be in good order before being installed for the use of any customer and shall be correct to within the limits prescribed in regulation 103-475(5).

B. Care shall be taken to insure that every gas meter being transported or stored to install or test for the use of any customer is handled in a manner that will not impair the performance of such meter.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-424. Meter Seal.

Immediately after the pre-installation tests or field tests of a billing meter or other billing device, a seal or locking device shall be affixed or other means provided, where practical, designed to discourage or reveal tampering or theft of gas.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-425. Configuration and Location of Meter.

A. No customer's meter shall be configured and/or installed in any location where it may reasonably be expected to be exposed to damage, impairment or in any unduly dirty or inaccessible location.

B. Outdoor meters shall be used where practicable.

C. Each customer shall provide and maintain at the customer's expense a suitable and convenient place, agreeable to the gas system, for the location of meters, where the meter will be readily accessible at any reasonable hour for the purpose of reading, testing, repairing, etc., and such other appliances owned by the gas system and placed on the premises of the customers shall be placed as to be readily accessible at such times as are necessary, and the authorized agent of the gas system shall have authority to visit such meters and appurtenances at such times as are necessary in the conduct of the business of the gas system.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-426. Change in Character of Service.

A. In order that the gas utility may provide a proper service facility and metering installation, the customer shall advise the gas utility of the expected service requirements and shall also advise the gas utility of any increase or decrease in the load to be provided by the gas utility in sufficient time to change service characteristics.

B. In case any substantial change is made by the gas utility in the service conditions which would affect the operation or adjustment of appliances of customers, the affected appliances shall be readjusted by the gas utility for the conditions without charge.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 4

Customer Relations

103-430. Customer Information.

Each gas utility shall:

a. Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the gas utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.

b. Notify each affected customer in writing, as prescribed by the commission, of any proposed change in rates and charges. Unless the commission orders otherwise, this notice requirement shall not apply to Purchased Gas Adjustments, Curtailment Adjustments, and Exploration Adjustments. Certification that the above notice requirement has been met shall be furnished to the commission and ORS by the gas utility.

c. Post a notice in a conspicuous place on the utility's website and in each local office of the gas utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the gas utility, as approved by the commission, are available for inspection at the gas utility or for download.

d. Upon request, inform its customers as to the method of reading meters, as to billing procedures, and shall assist customers in selecting the most economical rate schedule applicable and method of metering the service, except as otherwise provided for by the commission.

e. Each gas system shall provide adequate means (telephone, etc.) whereby each customer can contact the gas system or authorized representative at all hours in cases of emergency or unscheduled interruptions of service.

f. Each gas utility shall, upon request, give its customers such information and assistance as is reasonable and proper in order that customers may secure safe and efficient service.

g. Notify any customer making a complaint recorded pursuant to regulation 103-445, that the gas utility is under the jurisdiction of the commission and the customer may notify the commission and ORS of the customer's complaint.

h. Notify each affected customer of the possibility and degree of anticipated seasonal natural gas curtailments. Such notification shall be sent by the gas utility to its customers as soon as the gas utility becomes aware of the possible imposition of any curtailment. The ORS shall be informed by the gas utility whenever such notification has been given to its customers.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-431. Customer Deposits.

A. Each gas utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

1. The customer's past payment record to a gas utility shows delinquent payment practice, i.e., customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months, or

2. A new customer cannot demonstrate that he is a satisfactory credit risk by appropriate means including, but not limited to, letters of good credit from a utility, or references which may be quickly and inexpensively checked by the Company or cannot furnish an acceptable cosigner or guarantor on the same system within the state of South Carolina to guarantee payment, up to the amount of the maximum deposit, or

3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months, or

4. A customer has had the customer's service terminated for non-payment or fraudulent use.

5. A non-residential customer or its parent company is experiencing financial difficulties as determined by a gas utility using its respective internal credit risk rating criteria (even if the customer has not yet defaulted or caused a default on a payment obligation to the utility) and has not negotiated an alternative payment plan designed to mitigate the utility's risk of loss. The gas utility may use a variety of security options other than the payment of a two-month cash deposit, including but not limited to, accelerated payment plans, surety bonds, bank letters of credit or some combination of the above. All gas utilities engaging in negotiated payment solutions must provide a copy of their respective internal credit risk rating criteria upon request by the Office of Regulatory Staff.

B. If the gas utility elects to require a deposit under Subsection (A)(5) of this Rule, then the gas utility shall inform the affected customer of the provisions of this Rule.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-432. Amount of Deposit.

A. A maximum deposit may be required up to an amount equal to an estimated two months (sixty days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two consecutive months based on the experience of the preceding twelve months or portion of the year, if on a seasonal basis.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and payment habits of the customer.

C. A schedule of deposits based upon an analysis of sixty days usage for categories of customers may be required by the company upon being provided to the ORS and filed and approved by the commission.

D. Special offerings may be exempt as determined by the commission.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-433. Interest on Deposits.

A. Simple interest on deposits at the rate of the current effective interest rate per annum prescribed by Order of the South Carolina Public Service Commission shall be paid by the gas utility to each customer required to make such deposit for the time it is held by the gas utility, provided that no interest need to be paid unless the deposit is held longer than six months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer every two years or less and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date notice is sent that the deposit is no longer required to the customer's last known address, by bill insert, or by the notice method selected by the gas utility customer and maintained in the customer's records at the gas utility.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-434. Deposit Records.

Each gas utility shall keep records as to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. Each transaction concerning the deposits.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-435. Deposit Receipt.

Each gas utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a customer may establish his claim if his receipt is lost.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-436. Deposit Retention.

A. Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears, in the past twenty-four months.

B. A gas utility shall not be required to refund the deposit if a non-residential customer or its parent company is experiencing financial difficulties as determined by a gas utility using its respective internal

credit risk rating criteria and/or if bankruptcy may be imminent, even though the customer continues to make billed payments in a timely manner.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-437. Unclaimed Deposit.

A record of each unclaimed deposit must be maintained for at least one year, during which time the gas utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the South Carolina State Treasurer as prescribed by state law.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-438. Deposit Credit.

Where a customer has been required to make a guarantee deposit, this shall not relieve the customer of the obligation to pay the service bills when due. Where such deposit has been made and service has been discontinued for reason of non-payment of bill or otherwise, a gas utility shall apply the deposit of such customer toward the discharge of such account and shall as soon thereafter as practicable, refund the customer any excess of the deposit. If, however, the customer whose service has been disconnected for non-payment, pays the full amount billed within seventy-two hours after service has been disconnected and applies for reconnection, the gas utility may not charge an additional deposit except under the provisions of regulation 103-432.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-439. Customer Billing.

The gas utility shall bill each customer as promptly as practicable following the reading of the meter and render a receipt of payment upon request.

1. New Service. Meters shall be read at the initiation and termination of any service and billing shall be based thereon.

2. Bill Forms. The bill shall show:

- a. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.
- b. The date on which the meter was read, and the date of billing and the latest date on which it may be paid without incurring a penalty and the method of calculating such penalty.
- c. The number and kind of units metered.

d. The applicable rate schedule, or identification of the applicable rate schedule. If the actual rates are not shown, the bill should carry a statement to the effect that the applicable rate schedule will be furnished on request.

e. Any estimated usage shall be clearly marked with the word “estimate” or “estimated bill”.

f. Any conversions from meter reading units to billing units or any information necessary to determine billing units from recording or other devices, or any other factors, such as BTU adjustments, used in determining the bill. In lieu of such information on the bill, a statement must be on the bill advising that such information can be obtained by contacting the gas utility’s local office.

g. Amount for gas usage.

h. Amount of South Carolina Sales Tax (dollars and cents).

i. Total amount due.

j. Number of days for which bill is rendered or beginning and ending dates for the billing period.

k. The telephone number and email address of the Office of Regulatory Staff.

3. Late Payment Charges. A charge of no more than one and one-half percent (1 1/2%) may be added to any unpaid balance not paid within twenty-five days of the billing date to cover the cost of collection and carrying accounts in arrears. This method of late-payment charge will be made in lieu of any other penalty.

4. Payment. The gas utility, at its option for good cause, may refuse to accept a check, debit card, credit card or other electronic payment tendered as payment on a customer’s account. “Good cause” must be justified by a gas utility by evidencing a credit history problem or by evidencing insufficient funds of the utility customer or applicant.

5. Charges for Discontinuance and Reconnection. Whenever service is turned off for violation of rules or regulations, non-payment of bills or fraudulent use of service, the gas utility may make a reasonable charge, to be approved by the commission, for the cost incurred in discontinuing the service and reconnection and require payment for service billed and for service used which has not previously been billed.

6. Estimated Bills. Each gas utility shall not send a customer an estimated bill except for good cause where the meter could not be read or was improperly registering. No more than one estimated bill shall be rendered within a sixty day period, unless otherwise agreed to by the customer.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-440. Adjustment of Bills.

If it is found that a gas utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or less compensation for any service rendered or to be rendered by such gas utility than that prescribed in the schedules of such gas utility applicable, thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws or if it is found that any

customer has received or accepted any service from a gas utility for a compensation greater or less than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

1. Fast or Slow Meters. If the overcharge or undercharge is the result of a fast or slow meter, then the method of compensation shall be as follows:

a. In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, as specified in regulation 103-472.

b. In the event that the meter so tested is found to have an error in registration of more than two percent, the bill shall be increased or decreased accordingly, if the time at which the error first developed or occurred can be definitely determined. If such time cannot be determined, such correction shall not be made for more than six months.

2. Customer Willfully Overcharged. If the gas utility has willfully overcharged any customer, except as provided for in 1 of this rule, then the method of adjustment shall be as stated in the South Carolina Code of Laws Section 34-31-20(A) or such future Code of Laws of South Carolina governing the legal rate of interest of cases of accounts stated and in all cases where any sum or sums of money shall be ascertained and shall draw interest according to law.

3. Customer Inadvertently Overcharged. If the gas utility has inadvertently overcharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human or machine error except as provided in 1 of this rule, the gas utility shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed as prescribed by the following:

a. If the interval during which the customer was overcharged can be determined, then the gas utility shall credit or refund the excess amount charged during that entire interval, provided that the applicable statute of limitations shall not be exceeded.

b. If the interval during which the customer was overcharged cannot be determined then the gas utility shall credit or refund the excess amount charged during the twelve month period preceding the date when the billing error was discovered.

c. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined then the refund shall be based on an appropriate estimated usage and/or demand.

4. Customer Undercharged Due to Wilfully Misleading Company. If the gas utility has undercharged any customer as a result of a fraudulent or wilfully misleading action of that customer, or any such action by any person (other than the employees or agents of the company), such as tampering with, or bypassing the meter when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the gas utility as such, then notwithstanding 1 of this rule, the gas utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the gas utility shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.

b. If the interval during which the customer was undercharged cannot be determined, then the gas utility shall collect the deficient amount incurred during the twelve-month period preceding the date when the billing error was discovered by the gas utility.

c. If the usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on the appropriate estimated usage and/or demand.

d. If the metering equipment has been removed or damaged, then the gas utility shall collect the estimated cost of repairing and/or replacing such equipment.

5. Equal Payment Plans. A gas utility may provide equal payment plans, wherein the charge for each billing period is the estimated total annual bill divided by the number of billing periods prescribed by the plan. However, any incorrect billing under equal payment plan shall be subject to the first paragraph of this rule.

6. Customer Undercharged Due to Human or Machine Error. If the gas utility has undercharged any customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any human or machine error, except as provided in 1 and 2 of this rule above, then the gas utility may recover the deficient amount as provided as follows:

a. If the interval during which a customer was undercharged can be determined, then the gas utility may collect the deficient amount incurred during that entire interval up to a maximum period of twelve months.

b. If the full interval during which a customer was undercharged cannot be determined, then the gas utility may collect only the deficient amount of that portion of the interval that can be determined up to a maximum period of twelve months.

c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

d. If the usage incurred by that customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5178, eff May 24, 2024.

103-441. Applications for Service.

1. Method. Applications for service may be verbal or in writing.

2. Obligation. The applicant shall, at the option of the gas utility, be required to sign a service agreement or contract. In the absence of such a service agreement or contract, accepted application shall constitute a contract between the gas utility and the applicant, obligating the applicant to pay for service in accordance with the gas utility's tariff or rate schedule currently on file with the commission and the ORS, and to comply with the commission's and the gas utility's rules and regulations governing service supplied by the gas utility.

3. Termination. When a customer desires to have his service terminated, he must notify the gas utility; such notification may be verbal or in writing. The gas utility shall be allowed a reasonable period of time after receipt of such notice to take a final reading of the meter and to discontinue service.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-442. Reasons for Denial or Discontinuance of Service.

Unless otherwise stated, a customer shall be allowed a reasonable time in which to correct any discrepancy which may cause discontinued service.

Service may be denied or discontinued for any of the following reasons:

- a. Without notice in the event of a condition determined by the gas utility to be hazardous or dangerous.
- b. Without notice in the event of customer use of equipment in such a manner as to adversely affect the gas utility's service to others.
- c. Without notice in the event of unauthorized or fraudulent use of gas utility service e.g.:
 1. Misrepresentation of the customer's identity.
 2. For reconnection of service by customer who has had service discontinued for violation of and/or non-compliance with the commission's regulation 103-442 et seq.
- d. Tampering.

After the customer has applied for and/or received service from the gas utility, he shall make every reasonable effort to prevent tampering with the meter and service lines serving his premises. A customer shall notify the gas utility, as soon as possible, of any tampering with, damage to, or removal of any equipment. Tampering with meters or with lines carrying unmetered gas and unauthorized breaking of utility's seals is prohibited by law and shall not be tolerated by the utility. Such meter tampering shall include but shall not be limited to, unassigned meters, or altered meters. Should the utility find that the meter, service line, or seals have been tampered with, the gas utility shall give notice to the customer of possible discontinuance of service. Service may be continued or reconnected consistent with the following:

1. A customer can stop discontinuance of service or have service reconnected by paying a reasonable charge for an inspection (to insure proper operating conditions), a reasonable reconnect fee, and charges to compensate for any damages to the utility's facilities.
2. A customer's bill may be adjusted to reflect normal usage should any tampering reflect other than normal meter readings and the customer's bill may include the establishment of a deposit in accordance with the commission's regulation 103-432 et seq.

Nothing herein shall prevent the gas utility from instituting appropriate legal actions for violations of and/or non-compliances with the commission's regulation 103-442 et seq.

- e. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the commission.

- f. For failure of the customer to permit the gas utility reasonable access to its equipment.
- g. For nonpayment of bill for service rendered provided that the gas utility has made reasonable efforts to effect collection and has complied with the provisions of regulation 103-452.
- h. For failure of the customer to provide the gas utility with a deposit as authorized by regulation 103-431.
- i. For failure of the customer to furnish permits, certificates, and rights-of-way, as necessary in obtaining service, or in the event such permissions are withdrawn or terminated.
- j. For failure of the customer to comply with reasonable restrictions on the use of service, provided that notice has been given to the customer and that written notice has been furnished to the commission and ORS.
- k. No gas utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted or any member of his household is indebted, under an undisputed bill to such gas utility for service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the gas utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six years prior to the time of application.
- l. The gas utility may terminate a customer's service should the customer be in arrears on an account for service at another premises.

HISTORY: Amended by State Register Volume 5, eff May 22, 1981; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-443. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

- a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service.
- b. Failure to pay for merchandise purchased from the gas utility.

HISTORY: Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-444. Right of Access.

Authorized agents of the gas system shall have the right of access to premises supplied with gas service at reasonable hours, for the purpose of reading meters, examining facilities and pipes, maintenance, repair,

observing the manner of using service and for any other purpose which is proper and necessary in the conduct of the gas system's business.

Such agents shall, upon request of a customer, produce proper identification and inform the customer of the purpose of necessary access to occupied premises.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-445. Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the gas utility, shall be investigated promptly, thoroughly and professionally by the gas utility. Each gas utility shall keep a record of all such complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof. The gas utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. Unless otherwise specified by the commission, when the ORS has notified the gas utility that a complaint has been received concerning a specific account, the gas utility shall refrain from discontinuing the service of that account for the matter which is the subject of the complaint, until the ORS's investigation is completed, and the results have been received by the gas utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission within fifteen days of ORS mailing the results of the ORS investigation, along with a copy of regulation 103-445, to the complainant. If the complainant does not file the complaint with the commission within fifteen days, service can be discontinued.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-446. Contracts, Rate Schedules, Rules and Regulations.

Copies of all schedules of rates for service, contracts for service which involve rates, forms of contracts for service, charges for service connections and extensions of mains, and all rules and regulations concerning the relations between the customer and gas utility, shall be filed with the commission by each gas utility and shall be subject to prior approval by the commission. All contracts for service between any industrial customer and any gas utility which establish or adjust rates for any industrial customer shall be filed with the commission by each gas utility and may become effective as of the date of the contracts, unless disapproved or modified by the commission. Complete schedules, contract forms, rules and regulations, etc., as filed with the commission, shall also be available for public inspection at the local offices of the gas utility.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-447. System Which Gas Utility Must Maintain.

Each gas utility, unless specifically relieved by the commission from such obligation, shall operate and maintain in safe, efficient and proper conditions all of the facilities and equipment used in connection with

the regulation, measurement and delivery of gas to any customer up to and including the point of delivery into the piping owned by the customer.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-448. System Extensions.

When a prospective customer or customers of a gas utility makes application for service at a point not immediately adjacent to a service facility of a gas utility, and as long as the requirement for such service is reasonable, and the prospective service is in territory assigned by the commission to the gas utility, the gas utility shall render service under reasonable terms and conditions, unless otherwise authorized by the commission.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-449. Replacement of Meters.

Whenever a customer requests the replacement of the gas meter on his premises, such request shall be treated as a request for the test of such meter, and, as such, shall fall under the provisions of regulation 103-475 and shall be subject to the provisions of regulation 103-472.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-450. Service Entrance Changes.

Whenever a customer requests the gas utility to relocate the gas utility's service entrance, the gas utility may require reasonable charges to cover costs incurred to be paid prior to the relocation.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-451. Temporary Service.

When the gas utility renders temporary service to a customer, it may require that the customer bear all cost of installing and removing the service in excess of any salvage realized.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-452. Procedures for Termination of Service.

Prior to the termination of gas service pursuant to 103-442 e-m, the following procedures shall be employed by the gas utility:

a. Not less than ten days prior to termination of service, the gas utility shall mail a notice of termination to the affected customer. The notice of termination of service shall include, as a minimum, the following information:

1. Address, telephone number and working hours of the person(s) to be contacted by the customer for the arrangement of a personal interview with an employee of the gas utility with the authority to accept full payment or make other payment arrangements.

2. The total amount owed by the customer for gas services rendered, the date and amount of the last payment and the date by which the customer must either pay in full the amount outstanding or make satisfactory arrangements for payment by installments of such amount.

3. Special Needs Customers.

a. A statement that service to a residential customer who qualifies as a special needs account customer shall only be terminated in accordance with S.C. Code Ann. Sections 58-5-1110 et. seq., as amended. All gas utilities shall publish their procedures for termination of service on their websites.

b. The statement that service to a residential customer during the months of December through March will not be terminated where such customer, or a member of his household at the premises to which service is rendered, can furnish to the utility, no less than (3) days prior to termination of service, or to the terminating crew at time of termination, a certificate on a form provided by the utility and signed by a licensed physician, that termination of gas service would be especially dangerous to such person's health. Such certificate must be signed by the customer and state that such customer is unable to pay in full the amount of the charges due for gas service or is unable to pay by installments. A certification shall expire on the thirty-first day from the date of execution by the physician. Such certification may be renewed no more than three (3) times for an additional thirty (30) day period each. Upon renewal of the certification, the gas utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to him.

4. The availability of investigation and review of any unresolved dispute by the ORS and include the ORS's toll free telephone number.

b. Not more than two business days prior to termination of service, the gas utility shall make reasonable efforts either by telephone or in person to contact the customer to notify him that his service is subject to termination for non-payment. Alternatively, not more than three business days prior to termination of service, the gas utility shall notify the customer by mail that he is subject to termination of service for non-payment. The gas utility shall maintain records of the efforts made to contact such customers. Termination of service may be delayed in case of inclement weather, emergencies or operational conflicts.

c. The gas utility shall provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for gas service. The deferred payment plan shall require the affected customer to maintain his account current and pay not less than one-sixth of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by regulation 103-439(3). Service to such customer shall not be terminated unless the gas utility has informed the customer that such deferred payment plan is available. Any agreement to extend or defer a payment cut off date by more than five work days is a deferred payment plan. If a customer fails to conform to the terms and conditions of such deferred payment plan, the gas utility may terminate service upon three days written notice, if personally delivered, or upon five days notice by mail.

d. If a residential customer informs the utility that he is unable to make payment in full on his account or to make arrangements for the satisfaction of the balance of his account through a deferred payment plan, the gas utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to the customer.

e. The gas utility shall maintain a record of all deferred payment plans established with customer subject to termination for a period of two years.

f. The gas utility shall provide a copy of the termination notice to any third party identified by the customer upon establishment of the service account or at any time thereafter.

g. The gas service may be terminated only on Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m., unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. Gas service may not be terminated on the day preceding any day on which the gas utility's collection offices are closed, unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. All employees of gas utilities assigned to terminate service shall be authorized to accept payment from customers subject to termination of service or in lieu thereof, at the utilities' option, allow such customer at least one full working day beyond the initial date set for termination the opportunity to make satisfactory arrangements on the account at the offices of the utility; provided, however, that in certain areas where it has been determined by the utility that the safety of its employees warrants it, those employees shall not be required to accept payments from customers subject to termination.

HISTORY: Added by State Register Volume 5, eff April 24, 1981. Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 5

Engineering

103-460. Criteria for Good Engineering Practice.

The gas plant of a gas system shall be constructed, installed, maintained, and operated in accordance with good engineering practices and regulations included by reference as part of these rules to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-461. Acceptable Standards.

Unless otherwise specified by the commission, after hearing if requested, the gas system shall use the applicable provisions in the publications listed below as operational references, where applicable, and as standards of accepted good engineering practices.

- a. The edition of the American Standard Code for “Gas Transmission and Distribution Piping Systems”, ANSI B31.8. as referenced in the Federal Pipeline Safety Regulations.
- b. The latest edition of the American Standards Association Pamphlet, ASA Z21.30, “Installation of Gas Appliances and Gas Piping in Buildings”, or the latest edition of the National Board of Fire Underwriters publication NFPA No. 54, “Piping, Appliances and Fittings for City Gas”.
- c. The edition of the NFPA No. 59, “The Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants” as referenced in the Federal Pipeline Safety Regulations.
- d. “Standard Methods of Gas Testing”, Circular No. 48, National Bureau of Standards, 1961. (The applicable portions of this Circular have been substantially reproduced in the American Meter Company Handbook E-4, covering the testing of positive displacement meters).
- e. “Testing Large Capacity Rotary Gas Meters”, Research Paper No. 1741, National Bureau of Standards Journal of Research, September, 1946.
- f. “Orifice Metering of Natural Gas”, Report No. 3 of the AGA Gas Measurement Committee.
- g. “Standard Method of Test for Calorific Value of Gaseous Fuels by Water-Flow Calorimeter”, American Society for Testing Materials, Standard D 900-55.
- h. The edition of NFPA No. 59A, “Storage and Handling of Liquefied Natural Gas” as referenced in the Federal Pipeline Safety Regulations.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-462. Acceptable References.

The following publications are considered by this commission to be acceptable references:

- a. “Accuracy of the Recording Gas Calorimeter When Used With Gases of High BTU Content”, by John H. Eisemen, National Bureau of Standards, and Elwin A. Potter, Gas Inspection Bureau of the District of Columbia, AGA Publication No. CEP-55-13.
- b. Reports prepared by the Practical Methods Committee of the Appalachian Gas Measurement Short Course, West Virginia University, as follows:
 - (1) Report No. 1, “Method of Testing Large Capacity Displacement Meters”.
 - (2) Report No. 2, “Testing Orifice Meters”.
 - (3) Report No. 3, “Designing and Installing Measuring and Regulating Stations”.
 - (4) Report No. 4, “Useful Tables for Gas Men”.
 - (5) Report No. 5, “Prover Room Practices”.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-463. Adequacy of Service.

The source of supply and transmission facilities for gas, and/or production and/or storage capacity of the gas utility's plant, supplemented by the gas supply regularly available from other sources, must to the extent reasonably practicable, be sufficiently large to meet all reasonably expectable demands for firm service, unless otherwise authorized by the commission.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-464. Inspection of Plant.

Each gas system shall adopt a program of inspection of its gas plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the gas system's experience and accepted good practice.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-465. Inactive Service Lines.

1. Service Lines. Each gas system shall conduct a study at intervals not exceeding twenty-four months to determine the number of inactive service lines in their system and shall take necessary steps to meet the following:

a. Inactive service lines for which there is no definite plan for future use or reasonable possibility for future use or are found to be in unsafe condition shall be physically disconnected from the gas supply at the main, purged and the open pipe ends shall be sealed.

b. Inactive service lines for which there is a definite plan for future use or a reasonable possibility for future use may remain connected to the gas supply at the main if such lines are found to be in safe condition, provided that in addition to maintaining such lines in accordance with all other applicable requirements, such lines be monitored at intervals not exceeding twenty-four months by leakage survey to detect conditions detrimental to public safety.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 6

Inspection and Tests

103-470. Utility Inspection and Tests.

A. Each gas utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herein provided, as requested by the ORS or as may be approved or ordered by the commission. Unless otherwise directed by the commission, the methods and apparatus recommended by the National Bureau of Standards in the latest edition of its Circular No. 48, "Standard Methods of Gas Testing" may be used.

B. When the gas itself is to be tested pursuant to these rules, a "cubic foot" shall mean the quantity of gas necessary to fill a cubic foot of space when the gas is at an absolute pressure of 14.73 pounds per square inch and at a temperature of sixty degrees Fahrenheit. For purposes of measurement of gas to a customer a cubic foot of gas shall be taken to be the amount of gas which occupies a volume of one cubic foot under the conditions existing in such customer's meter as and where installed.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-471. Periodic Tests.

These test periods may be extended upon application and approved by the commission, providing that the gas utility can prove by its own records that different test periods are adequate for the protection of the public. Meters may be tested and calibrated in accordance with "Sample Meter Testing Plans" approved by the commission; and gas utilities using a "Sample Meter Testing Plan" shall continue to advise the commission of the results of the operation of the plan.

a. Positive Displacement Meters.

(1) Up to 251 c.f./hr. (at .5 in. water column differential pressure with non-absorptive diaphragm)-Ten years.

(2) 251 to 3000 c.f./hr (at .5 in. water column differential pressure)-Three years.

(3) Over 3000 c.f./hr. (at .5 in. water column differential pressure)-Two years.

b.	Orifice Meters.	Six Months.
c.	Turbine Meters.	Six Months.
d.	Base Pressure Correcting Devices.	Two Years.
e.	Base Volume Correcting Devices.	Two Years.
f.	Recording Pressure and Temperature Gauges.	One Year.
g.	Secondary Standards.	
	(1) Test Bottles, one cubic foot	Five Years.
	(2) Dead Weight Testers including Weights	Five Years.
h.	Working Standards.	
	(1) Bell Provers	Five Years.
	(2) Flow Provers	Five Years.
	(3) Transfer Provers	Five Years.
	(4) Laboratory Quality Indicating Pressure Gauges	Six Months.
	(5) Laboratory Quality Thermometers	Six Months.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-472. Meter Testing on Request of Customer.

A. Each gas utility shall, at any time when requested in writing by a customer upon reasonable notice, test the accuracy of the meter in use by him.

B. No deposit or payment shall be required from the customer for such meter test except when the customer requests a meter test within one year after date of installation or of the last previous test of this meter, in which case the customer may be required by the gas utility to deposit an amount, to cover the reasonable cost of such test, as approved by the commission in the gas utility's tariff or service regulation. The amount so deposited with the gas utility shall be refunded or credited to the customer if the meter is found, when tested, to register more than two percent fast or slow; otherwise the deposit shall be retained by the gas utility.

C. A customer may request to be present when the gas utility conducts the test on his meter, or if he desires, may send a representative appointed by him. The gas utility shall honor such request.

D. A report giving the name of the customer requesting the test; the date of the request; the location of the premises where the meter has been installed; the type, make, size and serial number of the meter; the date of removal; the date tested; and the result of the test shall be supplied to such customer within a reasonable time after the completion of the test.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-473. ORS Inspection and Tests.

The ORS shall make tests of meters as follows:

a. Upon order of the commission or request to the ORS by a customer or gas utility, a test will be made of customer's meters as soon as practicable.

b. On receipt of such request the ORS shall notify the gas utility and the gas utility shall not remove or adjust the meter until instructed by the ORS. The gas utility shall furnish to the ORS's representative such reasonable assistance as may be required.

c. The customer shall be notified of the test in sufficient time to allow him or his representative to be present.

d. The ORS shall make a written report of the results of the test to the customer and to the gas utility.

HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-474. Facilities and Equipment for Testing.

1. General. Each gas utility shall, unless specifically excused by the commission, provide such laboratory, meter-testing equipment and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the commission or as requested by the ORS. The apparatus and equipment so provided shall be subject to the approval of the commission, and it shall be available at all times for the inspection or use of any member or authorized representative of the ORS.

2. Meter Shop. Each gas utility shall maintain or designate a meter shop for the purpose of inspecting, testing and repairing meters. The shop shall be open for inspection by authorized representatives of the ORS at all reasonable times, and the facilities and equipment, as well as the methods of measurements and testing employed, shall be subject to the approval of the commission. The area within the meter shop used for the testing of meters shall be designed so that the meters and meter testing equipment are protected from drafts and excessive changes in temperature. The meters to be tested shall be stored in such manner that the temperature of the meters is substantially the same as the temperature of the prover.

3. Working Standards.

A. Each gas utility furnishing metered gas service shall own an approved type of meter prover or designate a meter shop which is equipped with an approved type of meter prover preferably of not less than two cubic feet capacity, equipped with suitable thermometers and other necessary accessories, and it shall maintain such equipment in proper adjustment so that it shall be capable of determining the accuracy of any service meter to within one-half of one percent.

B. Bell provers shall be so placed that they will not be subjected to drafts or excessive temperature variations.

C. Means shall be provided to maintain the temperature of the liquid in bell provers at substantially the same level as the ambient temperature in the prover room.

D. Each gas utility having meters which are too large for testing on a five cubic foot bell prover shall use a properly calibrated test meter or a properly designed flow prover for testing the large meters.

E. The accuracy of all provers and methods of operating them will be established from time to time by a representative of the ORS. All alterations, accidents, or repairs which might affect the accuracy of any meter prover or the method of operating it shall be promptly reported in writing to the commission and the ORS.

F. Working standards must be checked periodically by comparison with a secondary standard.

1. Bell provers must be checked with a cubic foot bottle which has been calibrated by the National Bureau of Standards, unless another standard is authorized by the commission.

2. Transfer and Flow Provers must be checked with a bell prover of adequate capacity which has been calibrated by representatives of the National Bureau of Standards unless another standard is authorized by the commission.

G. Extreme care must be exercised in the use and handling of standards to assure that their accuracy is not disturbed.

H. Each gas utility must have properly calibrated orifices, as may be necessary, to achieve the rates of flow required to test the meters on its system.

4. Special Meters. Any meter, the readings or record of which is based on the differential pressure in such meter or upon the measurement of any portion of the total gas delivered to a customer, shall be tested for accuracy before being placed in service in a manner satisfactory to the commission.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-475. Test Procedures and Accuracies.

1. Pre-Installation Inspection.

a. Every meter and/or associated metering device shall be inspected and sealed before being placed in service.

b. New or reconditioned meters which have been sealed at the factory need not be resealed in the shop of the gas utility.

2. Post-Removal Inspection and Tests. All meters and/or associated metering devices shall be tested when returned to the meter shop prior to being placed back in service.

3. Leak Tests. Every meter shall be leak tested prior to installation.

a. Each new meter must have been tested by the manufacturer to a minimum of ten p.s.i.g.

b. Meters removed from service and returned to the meter shop shall, prior to being placed back in service, be tested and subjected to an internal pressure of 1.1 times the maximum operating pressure of the meter and checked for the presence of leaks by one of the tests listed under subsection 4 below.

c. Acceptable Leak Tests.

(1) Immersion Tests.

(2) Soap Tests.

(3) Pressure drop test of a type acceptable to the commission.

4. Operating Pressure Limitations.

A. A meter may not be used at a pressure that is more than sixty-seven percent of the manufacturer's shell test pressure.

B. A rebuilt or repaired tinned steel case meter may not be used at a pressure that is more than fifty percent of the pressure used to test the meter after rebuilding or repairing.

5. Method of Testing. All tests to determine the accuracy of registration of any gas service meter shall be made with a suitable meter prover.

The tests of any unit of metering equipment shall consist of a comparison of its accuracy with the accuracy of a standard. The ORS will use the applicable provisions of the standards listed in 103-461 as criteria of accepted good practice in testing meters.

All meters and/or associated metering devices, when tested, shall be adjusted as closely as possible to the condition of zero error. All tolerances listed below are to be interpreted as maximum permissible variations from the condition of zero error.

a. Diaphragm, Displacement, Rotary, and Turbine Meters

(1) Accuracy at Test Points.

FLOW	ADJUSTED TO WITHIN
Check Flow (20% of rated meter capacity)	98.5%—100.5%
Full Flow (Equal to or in excess of operating load requirement)	98.5%—100.5%

(2) Actual Accuracy.

The accuracy as determined by averaging the results at the check and open rated flow.

(3) Overall Accuracy.

The accuracy at a check flow and the accuracy at not less than open rated flow shall agree within one percent.

b. Orifice Meters.

Accuracy at test points must be within one-half of one percent plus or minus.

c. Timing Devices.

All recording type meters or associated instruments which have a timing element that serves to record the time at which the measurement occurs must be adjusted as far as practicable so that the timing element is not in error by more than plus or minus five minutes in twenty-four hours.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 7

Standards and Quality of Service

103-480. Quality of Service.

A. Each gas utility shall provide the best gas service that can be reasonably expected from the facilities of that gas utility. When the quality of gas service falls below what can be reasonably expected, the gas utility shall, as soon as practicable, provide the proper gas service.

B. All gas supplied to customers shall be substantially free of impurities which may cause corrosion of mains or piping, or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-481. Interruption of Service.

A. Each gas utility shall make reasonable efforts to avoid interruptions of service but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with safety of its employees, customers and the general public.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-482. Restrictions on Use of Service.

A. The gas utility may impose reasonable restrictions on the use of service during periods of shortage of supply, excessive demand or other difficulty which jeopardizes the supply of service to any group of customers.

B. Restrictions on the use of service made necessary by the shortage of supply shall be made in conformity with the gas utility's curtailment plan approved by the commission.

C. The gas utility may impose reasonable restrictions on the use of service by customers who create conditions which prevent the gas utility from supplying satisfactory service to that customer, or to other customers.

D. If a gas utility finds that it is necessary to restrict the use of service, it shall notify its customers, and give the commission and the ORS written notice, except in emergencies, before such restriction becomes effective. Such notifications shall specify but not be limited to:

1. The reason for the restriction.
2. The nature and extent of the restriction of use by certain classes of customers, etc.
3. The date such restriction is to go into effect.
4. The probable date of termination of such restriction.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-483. Special Tests.

Before permitting the initial use of gas at any location, a certificate of inspections and tests of the customer-owned piping shall be furnished the gas system by the customer or by the local inspecting authority. All such inspections and tests shall be made in accordance with applicable local codes. In the absence of a local code such inspections and tests shall be in accordance with minimum standards set forth in the latest edition of Southern Standard Gas Code, and the customer or his contractor shall furnish the gas system a certificate of such inspections and tests. The gas system shall advise the customer of this requirement upon initial application for gas service. When gas is turned on by the gas system, the gas system shall take reasonable precaution to prevent potential hazards and, as a minimum precaution, shall make a check for leakage using the gas meter in accordance with a procedure at least equal to that described in the latest edition of the American Standard Installation of Gas Appliances and Gas Piping ASA Z21.30. A visual examination of gas utility owned exposed piping and components thereof, along with soil and vegetation conditions in the general vicinity of buried piping and components shall be conducted as a minimum precaution for the discovery of any existing or potential hazards.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-485. System Pressure Monitoring.

A. Each gas system shall maintain on its distribution system in each city in which it supplies gas a sufficient number of recording devices, but not less than one, to ensure detections of abnormal system pressures. No gas system shall maintain less than two such recording pressure gauges of which one should be portable. Electronic and/or remote type devices may be utilized in addition to maintaining a portable pressure recording gauge.

B. Each gas system shall keep records of each test of pressures in various parts of its distribution systems. The records obtained shall include as a minimum, the date, time, and location where the pressure was taken and shall be retained for a two year period. These records may be electronic with suitable back-up means, and the ability to generate a hard copy upon request of the ORS.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 8

Safety

103-490. General.

A. The commission hereby adopts the Federal Minimum Safety Standards for the Transportation of Natural and Other Gas, 49 C.F.R. as applicable to gas systems and as amended from time to time, except where otherwise ordered by the commission.

B. Under the authority of S. C. Code Ann. Sections 58-5-980 (1976), the commission herein establishes additional minimum safety standards, as noted infra. Such modifications reflect additional requirements to those established by 49 C.F.R., and are not to be construed as deleting the existing Federal requirement.

C. Under the authority of S. C. Code Ann. Sections 58-5-960 (1976), the safety standards adopted by the commission apply to all gas systems.

D. As criteria of accepted good safety practice, in addition to those of 49 C.F.R., as amended from time to time, the commission will use the applicable provisions of the standards listed in regulation 103-461.

HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-491. Protective Measures.

A. Each gas system shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

B. The gas system shall give reasonable assistance to the ORS in the investigation of the cause of accidents and shall give reasonable assistance to the commission and the ORS in the determination of suitable means of preventing accidents.

C. Each gas system shall maintain a summary of all reportable accidents arising from its operations.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-492. Safety Program.

Each gas system shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should comply with the Federal Regulations: Minimum Safety Standards for the Transportation of Natural and Other Gas, 49 C.F.R., as amended from time to time:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

b. Instruct employees in safe methods of performing their work.

c. Instruct employees, who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

d. Establish liaison with appropriate public officials including fire and police officials in anticipation of a potential emergency.

e. Establish an educational program to enable customers and the general public to recognize and report a gas emergency to the appropriate officials.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-493. Leakage.

1. General. Any notice to the gas system of a leak or odor or notification of damage to gas facilities reported by any source shall constitute the need for immediate action by the gas system. In the event that the response time exceeded one (1) hour, the reason should be included in the report to the ORS as well as the grade level of the leak and other pertinent information.

2. Classification. Each gas system shall establish procedures for classifying and repairing leaks meeting the requirements of this section:

Grade 1—Grade 1 means a leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

Grade 2—Grade 2 means a leak that is recognized as being nonhazardous at the time of detection but requires scheduled repair based on probable future hazard.

Grade 3—Grade 3 means a leak that is nonhazardous at the time of detection and can be reasonably expected to remain nonhazardous.

3. Leakage Surveys.

All buried piping not protected against corrosion in accordance with 49 C.F.R. Section 192, Subpart I, must be subjected to instrument leakage surveys as frequently as necessary, but at intervals not exceeding twelve months.

4. Vegetation Leakage Surveys.

Vegetation type leak surveys are prohibited.

HISTORY: Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

103-494. Interruptions in Service.

A. Each gas system shall adopt and file with the commission, for approval, and provide a copy to the ORS procedures to protect customers during periods when operating conditions require interruptions in service due to scheduled or unscheduled curtailments, line breakage, equipment malfunctions, and force majeure conditions.

B. Such procedures shall insure that adequate safety precautions are taken to prevent hazards to which gas system employees, gas system customers and the general public may be subjected.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

ARTICLE 8

Practice and Procedure

Editor's Note

Regulations 103-800 to 103-885 were adopted December 31, 1976.

103-800. Authorization.

A. In accordance with provisions of law, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern the practice and procedures of parties before it. All previous rules or standards of practice and procedure are hereby revoked, annulled and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or in part, or from making additions thereto, pursuant to provisions of law, upon petition of a proper party or upon its own motion.

C. The adoption of these rules of practice and procedure shall not relieve either the Commission or any party participating in proceedings before it of any duties prescribed under the laws of this State.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-801. Application of Rules.

These rules shall apply to any person who participates in proceedings before the Public Service Commission.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-802. Purpose of Rules.

These rules are intended to define standards of proper practice before the Public Service Commission. They are intended to insure that all parties participating in proceedings before the Commission will be accorded the procedural fairness to which they are entitled by law. These rules are further intended to promote efficiency in, and certainty of, the procedures and practices herein adopted. All parties participating in proceedings before the Commission shall assist the Commission in the implementation of these rules and regulations.

103-803. Waiver of Rules.

In any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is not contrary to the public interest.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-804. Definitions.

The following words and terms, when used in the context of these rules and regulations, shall have the meanings indicated.

A. Applicant. A party on whose behalf an application is made to the Commission for any permission or authorization which the Commission may grant pursuant to statutory or other proper authority.

B. Commission and Commissioner. The South Carolina Public Service Commission and a Commissioner thereof, respectively.

C. Complainant. A party who complains to the Commission of anything done, or omitted to be done, in contravention or violation of the provisions of any statute or other delegated authority administered by the Commission, or of any order, rule or regulation issued or promulgated thereunder, or any other alleged wrong within the jurisdiction of the Commission.

D. Defendant. A party subject to statute or other delegated authority administered by the Commission, or any order, rule or regulation issued or promulgated thereunder, against whom any complaint is filed.

E. Formal Record. The documentation pertaining to a proceeding before the Commission, including the following: the designation of the presiding officer; proofs of publication and notification; all pleadings and intermediate rulings; the transcript or official recording of hearing which shall include all evidence received or considered; a statement of matters officially noticed; all questions and offers of proof, objections and rulings thereof; proposed findings and exceptions, if any; any decision, opinion or report by the presiding officer; all memoranda or data submitted to the hearing officer or members of the Commission in consideration of a proceeding; and the order making final disposition of the matter.

F. Hearing Examiner. A member of the Commission staff, duly appointed and designated by the Commission to serve as a presiding officer for a proceeding before the Commission, and so serving as a presiding officer.

G. Hearing Officer. An attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience employed by the Commission to hear and determine procedural motions or other matters not determinative of the merits of the proceedings and made prior to the hearing. At the hearing, a hearing officer shall make all rulings on nondispositive motions and objections. The hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and the admission of evidence but may not participate in the determination on the merits of the case. If qualified, a Commission staff attorney may serve as a hearing officer.

H. Intervenor. A person who files a petition to intervene in a proceeding before the Commission, as provided by R. 103-825, and after such petition is approved by the Commission or presiding officer. Admission as an intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved by any order of the Commission in such proceeding.

I. Notice of Filing.

(1) A statement prepared by the Chief Clerk upon the filing of a pleading which initiates a proceeding, and which is provided to the party submitting the pleading. The Notice of Filing shall be published pursuant to R. 103-817(C) and shall otherwise be processed according to the Commission's Rules and Regulations concerning specific persons within the Commission's jurisdiction.

(2) The Notice of Filing shall contain a brief description of the pleading, reference to the statutory or other legal authority under which the pleading was filed, and the manner in which interested persons may file petitions to intervene or protests, and the return date.

J. Notice of Hearing.

(1) A statement prepared by the Chief Clerk which provides certain information relative to the public hearing scheduled in a proceeding before the Commission, and submitted to all parties in that proceeding. The Notice of Hearing shall be published, pursuant to applicable provisions of law.

(2) A Notice of Hearing shall include the following items of information:

(a) A statement of the date, time, and place of the public hearing;

(b) A reference to the legal authority under which the proceeding was instituted;

(c) A description of the subject and issues involved, and, in a rulemaking proceeding, the terms or substance of the proposed rule.

(3) At its discretion, the Commission may consolidate a Notice of Hearing with a Notice of Filing, and issue a Notice of Filing and Hearing, if the public interest so requires.

K. Order. A written decision or opinion issued by the Commission representing the whole or any part of the disposition (whether affirmative, negative, injunctive or declaratory in form) of a proceeding before the Commission.

L. Party or Party of Record. A party in a proceeding before the Commission who is entitled to receive all documentary materials, pleadings, orders or other dispositions of matters relevant to the proceeding. Parties of record will include applicants, complainants, defendants, respondents, and intervenors. Parties of record may file a petition for rehearing of Commission orders, pursuant to R. 103-854. The Office of Regulatory Staff shall be considered a party of record for the purposes of filing and receipt of pleadings and documentary materials, data requests, and for the conduct of proceedings.

M. Person. Any individual, partnership, corporation, association, establishment, limited liability companies, limited partnership, entities, governmental subdivision, or public or private organization of any character.

N. Petitioner. A party seeking relief from the Commission, and not otherwise designated herein.

O. Pleading. A document seeking relief in a proceeding before the Commission, including complaint, answer, application, protest, request, motion (other than an oral motion made during a proceeding) or petition.

P. Presiding Officer. A Commissioner or a hearing examiner appointed and duly designated by the Commission, who presides at proceedings before the Commission.

Q. Proceeding. The general process of the Commission's determination of the relevant facts and the applicable law, the consideration thereof and the action thereupon in regard to a particular subject matter within the Commission's jurisdiction, initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause.

R. Protestant. An individual objecting on the ground of private or public interest to the approval of an application, petition, motion or other matter which the Commission may have under consideration. A protestant may offer sworn testimony without the privilege of cross-examination of witnesses offered by other parties. A protestant desiring to become an intervenor in a proceeding before the Commission may file a petition for intervention.

S. Public Records.

(1) Those official items of information within the files of the Commission which are available for inspection by the public. Public records include:

- (a) Applications, complaints, petitions and other papers seeking Commission action;
- (b) Financial, statistical and other reports to the Commission; rates and rate schedules; any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation;
- (c) All pleadings, notices, depositions and formal records in proceedings before the Commission;
- (d) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence;
- (e) All Commission orders, notices, findings, opinions, determinations, and other actions in proceedings and all Commission minutes which have been approved and filed with the Chief Clerk;
- (f) All Commission correspondence relating to any furnishing of data or information;
- (g) Commission correspondence relating to the interpretation or applicability of any statute, rule, regulation or order issued or administered by the Commission and letters of opinion on those subjects signed by Staff Counsel and sent to others than the Commission, a Commissioner, or any of the Commission's staff;
- (h) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees and mandates in court proceedings in which the Commission is a party and all correspondence with the Courts or clerks of court.

(2) The term Public Records does not include any information specifically exempted by statute or Commission order.

(3) Public Records are available for public inspection at the offices of the Commission, during the Commission's business hours. Copies of public records may be made available by the Chief Clerk for a reasonable charge.

T. Representation.

(1) The act of serving as counsel for a party, or of serving as the authorized representative of a party, in a proceeding before the Commission. Representation of a party of record in a proceeding shall include the right to offer evidence on behalf of the party represented and to cross-examine witnesses offered by other parties. Those persons who may act in a representative capacity are the following:

(a) An individual may represent himself or herself in any proceeding before the Commission.

(b) An attorney authorized to practice law in the State of South Carolina may represent a party in any proceeding before the Commission. An attorney not authorized to practice before the courts of the State of South Carolina but authorized to practice before the courts of any other State may represent a party in any formal proceeding before the Commission upon association with an attorney admitted to practice before the courts of South Carolina.

(2) All persons acting in a representative capacity before the Commission shall be subject to any limitation imposed by statute or other proper authority.

U. Respondent. A party subject to any statute or other delegated authority administered by the Commission to whom an order, notice or rule to show cause is issued by the Commission instituting an investigation or a proceeding.

V. Rule. The whole or any part of a Commission statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure or practice requirements of the Commission.

W. Rulemaking. The Commission process for the formulation, amendment or repeal of a rule.

X. Rule to Show Cause. An order issued by the Commission instituting a proceeding against a person under the Commission's statutory authority. Such rule shall set forth the grounds for such action, and will contain a statement of the particulars and matters concerning which the Commission seeks to inquire and which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision of the Commission in the proceeding. Such rule shall require that the respondent named respond in writing, as the Commission may direct.

Y. Staff Counsel. Legal Counsel of the Commission and Commission Staff.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-805. Representation.

A. Parties and Their Representatives. Parties in a case have the right to participate or to be represented in all hearings or pre-hearing conferences related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR. No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. Representation of Entities. Except as otherwise provided in S.C. Code Ann. Regs. 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional

association, must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. Representation of Individuals. An individual person not admitted to practice law in South Carolina may represent himself or herself but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the commission's regulations and the Administrative Procedures Act and must agree to E-Filing and E-Service as provided in S.C. Code Ann. Regs. 103-817.1 unless excused from doing so for good cause shown.

D. Notice of Appearance. An attorney or other person authorized to represent a party before the commission pursuant to this regulation shall file with the commission a notice of appearance when retained or authorized to represent a party after commencement of a case.

E. Unopposed Matters in Which an Entity May Proceed without Counsel. Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

- (1) application for approval of a tariff,
- (2) application for approval of a contract,
- (3) application for approval of an interconnection agreement between telephone carriers,
- (4) application for approval of a name change,
- (5) application to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, and a taxi, and
- (6) application of a mover of household goods for a certificate.

If the entity chooses not to use an attorney, it shall include in its submission a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the commission to allow the matter to proceed.

F. Motion to Withdraw from Representation. An attorney or other person authorized to represent a party before the commission pursuant to this regulation must file a written motion to withdraw from representation of a party or from participation in proceedings.

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-810. Functions of the Commission.

The Commission, as provided for by the South Carolina Constitution and as vested with power and jurisdiction by the South Carolina General Assembly, performs the following general functions:

A. Regulation and supervision of privately-owned electric utilities as to rates, charges, services, facilities, practices, accounting procedures, the purchase, sale or lease of utility property and the issuance of securities; and the administration of the Rural Electric Cooperative Act, relative to territorial boundaries. S. C. Code Ann., Section 58-27-10 et. seq. (1976), as amended; and R.103-300, et. seq.

B. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all intrastate privately-owned gas, water and sewerage companies; and administration of the Gas Safety Act of 1970. S. C. Code Ann., Section 58-5-10 et. seq., (1976), as amended; R.103-400 et. seq.; R.103-500 et. seq., R.103-700, et. seq.

C. Except as otherwise provided by law, regulation and supervision of rates and charges, services, facilities, practices and accounting procedures for all privately and publicly-owned telephone and telegraph companies within the State. S.C. Code Ann. Section 58-9-10 et. seq., (1976), as amended; R. 103-600 et. seq.

D. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all radio common carriers within the State. S. C. Code Ann., Section 58-11-10 et seq., (1976).

E. Regulation and supervision of for hire motor carriers of freight and passengers relative to rates, schedules, rules, charges and facilities; issuance and supervision of the administration of Certificates of Public Convenience and Necessity; administration of Registration and Safety Act of 1970. S. C. Code Ann., Section 58-23-10 et. seq., (1976), as amended; R.103-100 et. seq.

F. Regulation and supervision of express and telegraph companies. S. C. Code Ann. Section 58-9-2310 et. seq. (1976), as amended.

G. Regulation and supervision of rates, services, charges, schedules, and facilities of railroads and railways. S. C. Code Ann., Section 58-15-10 et. seq. (1976), as amended; R.103-1 et. seq.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-811. Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts.

The Public Service Commission shall use a formal Request for Proposals process to hire, through contract or otherwise, external qualified, independent third-party consultants or experts.

A. Request for Proposals

External qualified, independent third-party consultants or experts shall be procured via Request for Proposals (RFP). Any proposed RFP shall be addressed by the Commission at a publicly noticed meeting where the Commission will determine whether an RFP must be released and shall state the reason(s) for the RFP. Thereafter, the Commission Staff shall prepare and publish the RFP in accordance with the Commission Directive. If the Commission Staff utilizes the Department of Administration's services to issue and publish the RFP, the Department of Administration will only issue and publish the RFP, and the Commissioners shall decide to hire external qualified, independent third-party consultants or experts at a publicly noticed meeting.

B. Process for Opening Sealed Responses to Request for Proposals

All Request for Proposals submissions or filings to the Commission must be filed in a sealed envelope. Such submissions by prospective external qualified, independent third-party consultants or experts will remain sealed until a publicly noticed meeting. At this meeting, at the direction of the Chairman, the sealed submissions will be opened and the name(s) of the filer(s) and other relevant information as requested by the Commissioners will be revealed. The relevant information regarding the filer(s) and other general information about the filing(s) will become a part of the record for the meeting. During this meeting, the Commissioners shall approve a schedule to review the submission(s), including, but not limited to, instructing the Commission Staff to file the response(s) to the RFP in the appropriate docket on the Docket Management System; scheduling public interviews which are livestreamed or publicly video broadcasted; scheduling deadlines for the parties in the affected dockets to submit questions for the prospective external qualified, independent third-party consultants or experts; scheduling deadlines for the parties in the relevant dockets to file feedback, comments, etc. regarding post-interview issues; scheduling deadlines for the prospective external qualified, independent third-party consultants or experts to submit a written conflicts check letter; scheduling deadlines for the Commission to provide the prospective external qualified, independent third-party consultants or experts with proposed questions from the Commissioners.

C. Process for Publication of Request for Proposals

The process for RFPs shall include issuance of written Request for Proposals indicating, at a minimum, in general terms that which is sought to be procured and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications, or qualifications that will be required.

Proposals may be solicited using the following tools within the Commission's Public Information Office: social media, the Commission's website, local media, NARUC, and national job websites.

D. Additional Information Regarding the RFP Process

During the public interview, the prospective external qualified, independent third-party consultants or experts shall be encouraged to elaborate on their qualifications and performance data or employee/staff expertise pertinent to the proposed project, as well as alternative concepts. Proprietary information from competing prospective external qualified, independent third-party consultants or experts shall not be disclosed to the public or to competitors.

The Commissioners shall decide to hire external qualified, independent third-party consultants or experts at a publicly noticed meeting.

If the terms and conditions for multiple awards are included in the RFP, the Commission may award contracts to more than one qualified, independent third-party consultant or expert.

E. Bonds on Professional Services

The Public Service Commission may require performance bonds for contracts for external qualified, independent third-party consultants or experts if stated in the RFP.

HISTORY: Added by SCSR 46-2 Doc. No. 4952, eff February 25, 2022.

103-812. Chairman and Vice Chairman.

The Commission will elect one of their number chairman and another of their number vice-chairman.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988.

103-813. The Commission Staff.

The Commission is authorized and empowered to employ a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-814. Commission Meetings.

Formal meetings of the Commission are held on a weekly basis, or at the call of the chairman or at the call of a majority of the Commission, for the purposes of formulating decisions, composing orders, planning and coordinating the work of the Commission, and conferring with the Commission staff. The Chief Clerk shall be responsible for the arrangement of the agenda of matters to be considered at Commission meetings. All Commission meetings and executive sessions are conducted in accordance with the terms of S.C. Code Ann., Section 30-4-10 et. seq.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-815. Office Hours.

The offices of the Commission will be open for business daily during the hours between 8:15 A. M. and 4:45 P. M., Monday through Friday, subject to the observance of State holidays.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-816. Written Correspondence.

All written communications shall be directed or hand-delivered to the Commission's physical address as listed at www.psc.sc.gov.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-817. Proceedings.

A. Nature of Proceedings. If required by law and upon filing of a pleading as set forth in R.103-819, et seq., proceedings for the purpose of rulemaking, ratemaking, licensing, determining rights, duties, or privileges of any party, and undertaking an official inquiry for the purposes of gathering information or making determinations, which fall under the jurisdiction of the Commission, shall be conducted by one or more Commissioners, or by a hearing examiner through the development of a formal record.

B. Initiation of Proceedings.

(1) All proceedings shall be initiated by filing with the Chief Clerk at the business offices at the Commission an original and copies, as determined by the Commission, of an appropriate pleading unless otherwise provided, as designated in R.103-819, et seq.

(2) The Chief Clerk may refuse to accept for filing any pleading that does not conform to the rules of the Commission, and shall furnish written notice to the party or the authorized representative within ten days after receipt, stating why it has not been accepted for filing.

C. Conduct of Proceedings.

(1) All pleadings initiating proceedings shall be dated upon receipt and shall be assigned a docket number after filing, and all subsequent pleadings or correspondence shall refer to that docket number. Pleadings will be captioned in accordance with R.103-819, et seq., and shall be processed pursuant to these rules.

(2) The Chief Clerk, after filing of the pleadings, shall give the Commission notice of such filing at the next regular meeting of the Commission. Where provided by law, any proceeding initiated under these rules may be disposed of without hearing by Order of the Commission within 14 days after the pleading has been accepted for filing, upon the written opinion of the Commission that the pleading on its face shows that a hearing is not necessary, in the public interest, or for the protection of substantial rights.

(3) After any pleading has been accepted for filing, the Chief Clerk may:

(a) Serve the pleadings, as required, in accordance with R.103-830, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish such notice one time in newspapers having general circulation in the State, or, if applicable, in newspapers having general circulation in the party's service area. Except for good cause shown, proof of publication must be filed on or before the return date. The Chief Clerk, pursuant to other

rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of service be filed on or before the return date.

(b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Chief Clerk shall prepare a Notice of Hearing, and shall forward such Notice of Hearing to all parties. Proof of service must be placed in the formal record.

(c) Assign a time and place for any public hearing necessary in the conduct of any proceeding. The Chief Clerk shall likewise cause the pleadings to be served pursuant to these rules or issue written notice of the filing of pleadings, which shall be published pursuant to law and notice of the hearing date assigned for the conduct of any formal proceeding, as provided by law.

(d) The Chief Clerk shall forward a copy of a Notice of Filing, a Prefile Testimony Letter, or a Transmittal Letter to all parties by electronic service or by U.S. Mail. The Chief Clerk shall forward a Notice of Filing and Hearing, a Notice of Hearing, or any other document containing a hearing date to all parties by electronic service or by certified mail.

(e) Require from a person filing a pleading a letter incorporating a statement presenting the number of witnesses the person expects to offer in the proceeding and an estimate of the time required for the presentation of testimony and exhibits.

(4) Public hearings in the conduct of proceedings shall be held pursuant to R.103-836, et seq.

D. Final Disposition of Proceedings. Proceedings shall be concluded upon the issuance of an order by the Commission or upon a settlement or agreement reached by all parties to the proceedings and formally acknowledged by the Commission by issuance of an order.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 39, Issue No. 6, Doc. No. 4455, eff June 26, 2015; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-817.1. E-Filing and E-Service.

A. Electronic Filing. The electronic transmission of a document to the E-Filing System in accordance with this Regulation constitutes the filing of that document in accordance with Title 58 of the South Carolina Code and the Commission's Regulations in Chapter 103 of the South Carolina Code of State Regulations.

B. Official Record. Where a document is E-Filed, the electronic version of that filing constitutes the official record. E-Filed documents have the same force and effect as documents filed by Traditional Means. Documents filed by Traditional Means may be converted to electronic format and made part of the docket by the Clerk's Office. Once converted, the electronic version constitutes the official record.

C. Timeliness. A document transmitted and received by the E-Filing System on or before 11:59:59 p.m., Eastern Standard Time, shall be considered filed with the Commission on that date, provided it is subsequently accepted by the Commission. Nothing in this Regulation should be construed to reduce or extend any filing or service deadlines set by statute, the South Carolina Rules of Civil Procedure, or orders of the Commission, except requests for extensions of time to file documents. Such requests must be filed with and approved by the Commission.

D. “Notice of Electronic Filing” or “Notification of Electronic Filing” (“NEF”) is a notice generated by the E-Filing System at the time of a filing or other Commission action. An NEF is transmitted by email to all Authorized E-Filers who have filed a Notice of Appearance and are counsel of record in the case and includes a description of the filing and a list of parties to whom the NEF was transmitted.

E. Electronic Service.

(1) Electronic Service of Process Not Authorized. Service of process or service of any pleadings initiating cases cannot be accomplished through the E-Filing System. The E-Filing System may not be used for service of process of an application, petition, complaint, rule to show cause, subpoena, or any other pleading or document required to be personally served under Rule 4, SCRCF (South Carolina Rules of Civil Procedure).

(2) Service of Other Papers on Authorized E-Filers by the E-Filing System. Except as provided in sub-paragraphs (A) and (B) below, upon the E-Filing of any pleading, motion, or other paper subsequent to the filing initiating a case, the E-Filing System will generate and transmit an NEF to all Authorized E-Filers associated with that case after the filing has been accepted for processing by the Commission. Where the parties are proceeding in the E-Filing System and a pleading, motion, or other paper must be filed, made, or served under the Commission’s statutes or regulations or the SCRCF, upon the filer’s receipt of a confirmation email stating that the filing has been accepted for processing by the Commission, the E-Filing of that pleading, motion, or other paper, together with the transmission of an NEF, constitutes proper service under Rule 5, SCRCF, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, as to all other parties who are E-Filers in that case. It is the responsibility of an E-Filer to review the content of the E-Filed document in the E-Filing System to determine its force and effect.

(a) No NEF will be created at case initiation; however, the E-Filing System will transmit confirmations of receipt and acceptance of the filing.

(b) NEFs are transmitted only via email to representatives of parties of record. E-Filers should comply with Commission Regulation 103-805 (Representation) for entering an electronic notice of appearance when making an initial responsive filing in a case that was initiated via the E-Filing System.

(3) Service Complete upon E-Filing. Service of a pleading, motion, or other paper by NEF subsequent to the summons and complaint or other filing initiating a case is complete at the time of the submission and the Clerk’s Office acceptance of the pleading, motion, or other paper for E-Filing, provided an NEF is transmitted by the E-Filing System in accordance with paragraph (e)(2) of this Section. The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRCF, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. The NEF constitutes proof of service under Rule 5(b), SCRCF, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and the date of service shall be the date stated in the NEF as the “Official File Stamp.” Where notice of the filing of a pleading, motion, or other paper is served by an NEF, the E-Filer need not file proof of service, but the E-Filer must retain a copy of the NEF as proof of service.

(4) Time to Respond Following Electronic Service. Computation of the time for a response after service by NEF is governed by Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(5) Service by or upon a Party Who is Not an E-Filer in a Case.

(a) E-Filed motions, pleadings, or other papers that must be served upon a party who is not represented by an Authorized E-Filer in the case or who is a Traditional Filer must be served by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. An Authorized E-Filer who has E-Filed a motion, pleading, or other paper prior to service of the motion, pleading, or other paper shall serve a paper copy of the corresponding NEF on the Traditional Filer(s). The Authorized E-Filer must also file proof of Traditional Service as to all other parties who are Traditional Filers.

(b) Traditional Filers must continue to serve all parties with a paper copy of the motion, pleading, or other paper by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and file a copy of the motion, pleading, or other paper with the Commission, together with proof of service, as required by Rule 5(d), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(6) Failed Transmission of NEF. If an Authorized E-Filer becomes aware that the NEF was not transmitted successfully to other Authorized E-Filers in the case, or that the NEF is deficient, the Authorized E-Filer shall, upon learning of the failure or deficiency, serve the E-Filed document by email, hand delivery, facsimile, or first-class mail. Proof of such service shall be E-Filed with the Commission within one business day of service.

HISTORY: Added by SCSR 44-6 Doc. No. 4879, eff June 26, 2020. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-818. Rulemaking Proceedings.

A. Nature of Rulemaking Proceedings. When permitted by law, and upon the filing of a pleading, proceedings for the purpose of rulemaking shall be conducted by one or more Commissioners or by a hearing examiner through the development of a formal record.

B. Initiation of Rulemaking Proceedings. Rulemaking proceedings shall be initiated by the process identified in R. 103-817B.

C. Conduct of Rulemaking Proceedings.

(1) Pleadings filed with the Commission initiating rulemaking proceedings shall be processed as in proceedings, pursuant to R. 103-817C(1) and (2).

(2) General notice of proposed rulemaking proceedings shall be made in accordance with applicable provisions of law.

(3) The Commission shall provide an opportunity to interested parties for participation in the rulemaking proceeding through submission of written data, views or arguments with or without opportunity for oral presentation.

D. Final Disposition of Rulemaking Proceedings. Rulemaking proceedings shall be concluded upon the issuance of an order by the Commission issuing, amending, or repealing a rule or rules, and containing a concise general statement of the basis and purpose of such rule or rules. Publication of such rule or rules shall be made in accordance with applicable provisions of law.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-819. General Contents of Pleadings.

All pleadings in proceedings before the Commission to which docket numbers have been assigned shall prominently display such docket numbers. All pleadings shall also include the following information:

- A. The legal name and address of each person by whom such pleading is filed;
- B. The full name and address of the authorized representative of the person filing the pleading;
- C. A concise and cogent statement of the facts such person is prepared to present to the Commission;
- D. A statement identifying the specific relief sought by the person filing the pleading.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-820. General Form of Pleadings.

All pleadings filed in proceedings before the Commission should be typewritten on paper cut or folded to letter size (8 to 8 1/2 inches wide by 10 1/2 to 11 inches long) with a left-hand margin not less than 1 1/2 inches wide and other margins not less than 1 inch wide. The impression shall be on one side of the paper only.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-821. Copies of Pleadings.

Pleadings shall be filed in one original and copies, as determined by the Commission, unless otherwise specified by the Chief Clerk. In addition, where practicable, an electronic copy of the pleadings shall be served on the Chief Clerk and all parties according to such procedures as may be directed by the Commission. Mimeographed or photocopied copies will be accepted as typewritten, provided all copies are clearly legible.

HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-822. Signature and Verification.

All pleadings filed with the Commission shall be signed. The signature of the person, or its authorized representative, submitting the pleading, shall constitute an admission that such person or representative has

read the pleading and knows the contents thereof, and, if the signatory is acting in a representative capacity, that such signatory has the capacity and authority specified therein. A verification under oath shall be required if facts are alleged to be true within the knowledge of the person filing the pleading.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-823. Applications.

Applications are submitted to the Commission for any authorization or permission which the Commission is empowered to grant under its statutory authority, including applications for establishment or adjustment of rates and charges.

A. Content of Applications. Applications shall state clearly and concisely the authorization or permission sought, and shall refer to the specific statutory provision or other authority under which Commission authorization or permission is sought. Applications shall further set forth the following information:

(1) The precise legal name of the applicant, which shall indicate whether the applicant is a partnership, corporation, limited liability company, association, establishment, governmental subdivision, or other public or private organization.

(2) The name, title, address, e-mail address, and telephone number of the person to whom correspondence or communications relative to the application is to be addressed.

(3) The following data, in general rate establishment or adjustment applications, attached as exhibits and developed for a historic twelve-month test period unless otherwise directed. All schedules must be filed at the South Carolina jurisdictional level, if applicable or available. (All Filing Schedules indicated below must be filed with the Commission in the order as outlined, and schedules approved by the Commission. The Schedules must be provided in Microsoft Excel format with all formulas intact.) Each electrical, natural gas, water or wastewater public utility shall develop and seek Commission approval of schedule templates for the implementation of this section:

Minimum Filing Requirements for Electrical and Gas Utilities (for Electrical Utilities and Gas Utilities That Have 100,000 or More Customers):

EXECUTIVE SUMMARY	
SCHEDULE A-1	Full Revenue Requirements Increase Requested
SCHEDULE A-2	Full Revenue Requirements Bill Comparison - Typical Monthly Bills
SCHEDULE A-3	Summary of Tariffs
RATE BASE	
SCHEDULE B-1	Test Year and Pro Forma Year Statement of Rate Base
SCHEDULE B-2	Rate Base Adjustments

SCHEDULE B-3	Two Year Balance Sheet
SCHEDULE B-4	Utility Plant and Other Relevant Rate Base Allocation Factors (if applicable)
SCHEDULE B-5	Plant Balances by Account and Sub-Account
SCHEDULE B-6	Depreciation Reserve Balances by Account and Sub-Account
SCHEDULE B-7	Capital Additions and Retirements
SCHEDULE B-8	Production Plant Additions (Electric Only)
SCHEDULE B-9	Construction Work in Progress
SCHEDULE B-10	Working Capital
SCHEDULE B-11	Miscellaneous Deferred Debits
SCHEDULE B-12	Other Deferred Credits
SCHEDULE B-13	Accounting Policy Changes Affecting Rate Base
SCHEDULE B-14	Deferred Income Taxes
SCHEDULE B-15	Excess Deferred Income Tax
NET OPERATING INCOME	
SCHEDULE C-1	Net Operating Income
SCHEDULE C-2a	Net Operating Income Adjustments
SCHEDULE C-2b	Accounting and Pro Forma Adjustments Matrix (If applicable)
SCHEDULE C-3	Five Year Analysis - Change in Costs
SCHEDULE C-4	Uncollectible Accounts
SCHEDULE C-5	Administrative Expenses
SCHEDULE C-6	Industry Association Dues (If requested in rates)
SCHEDULE C-7	Outside Professional Services (If requested in rates)
SCHEDULE C-8	Pension Cost (Account 228.3)
SCHEDULE C-9	Lobbying Expenses, Other Political Expenses and Civic/Charitable Contributions (If requested in rates)
SCHEDULE C-10	State and Federal Income Tax Calculation

SCHEDULE C-11	Gains and Losses on Disposition of Plant and Property That Was Included in Rate Base
SCHEDULE C-12	Transactions with Affiliated Companies
COST OF CAPITAL	
SCHEDULE D-1	Cost of Capital
SCHEDULE D-2	Cost of Capital - 5 Year History
SCHEDULE D-3	Short-Term Debt
SCHEDULE D-4	Long-Term Debt Outstanding
SCHEDULE D-5	Preferred Stock Outstanding
SCHEDULE D-6	Common Stock Data
SCHEDULE D-7	Financing Plans - Stock and Bond Issues
SCHEDULE D-8	Bond Rating - 5 Year History
SCHEDULE D-9	Credit Watch History - 5 Year History
SCHEDULE D-10	Credit Rating Reports - 5 Year History
COST OF SERVICE AND RATE DESIGN	
SCHEDULE E-1	The most recently completed Cost of Service Study conducted not more than five years prior to the filing of the Company's Rate Case Application
SCHEDULE E-2	Cost of Service Study - Allocation of Rate Base Components to Rate Schedule, if not included in Schedule E-1
SCHEDULE E-3	Cost of Service Study - Functionalization and Classification of Rate Base, if not included in Schedule E-1
SCHEDULE E-4	Cost of Service Study - Functionalization and Classification of Expenses, if not included in Schedule E-1
SCHEDULE E-5	Development of Coincident and Non-Coincident Demands for Cost Study, if not included in Schedule E-1
MISCELLANEOUS	
SCHEDULE F-1	Business Contracts with Officers or Directors
SCHEDULE F-2	Proposed Public Notice including dollar and percentage proposed increase by customer class
SCHEDULE F-3a	Executive Compensation Summary (If requested in rates)
SCHEDULE F-3b	Executive Target Bonus (If requested in rates)
SCHEDULE F-4	Analysis of Salaries and Wages

Minimum Filing Requirements for Electrical and Gas Utilities (for Electrical and/or Gas Utilities That Have Fewer Than 100,000 Customers):

SCHEDULE A-1	Balance Sheet
SCHEDULE A-2	Profit and Loss Statement
SCHEDULE A-3	Accounting and Pro Forma Adjustments
SCHEDULE A-4	Computation of Proposed Increase or Decrease
SCHEDULE A-5	Effect of Proposed Increase or Decrease to Include Copies of Present and Proposed Tariffs
SCHEDULE A-6	Statement of Fixed Assets and Depreciation Reserve
SCHEDULE A-7	Rates of Return on Rate Base and on Common Equity
SCHEDULE A-8	Most Recent Cost of Service Study Conducted Not More Than Three Years Prior to Filing Company's Rate Case Application
SCHEDULE A-9	Proposed Public Notice including dollar and percentage proposed increase by customer class

Minimum Filing Requirements for Wastewater Utilities That Have Filed an Application for an Increase in Existing Rates and Charges:

SCHEDULE A-1	Statement of need justifying the proposed rate adjustments, including financial needs, rate design adjustments, or changes in operations
SCHEDULE A-2	Current income and expense statement for the preceding twelve months
SCHEDULE A-3	Proposed rate schedule
SCHEDULE A-4	Test year to be used
SCHEDULE A-5	Pro-forma income and expense statement using proposed rates applied to the proposed test year
SCHEDULE A-6	Balance sheet for two years, up to and including the test year
SCHEDULE A-7	Depreciation schedule by categories of plant or average service lives
SCHEDULE A-8	Number of present and expected customers in the following twelve months
SCHEDULE A-9	Cost justifications for proposed rates and charges, which indicate the cost drivers for the proposed increase
SCHEDULE A-9.5	Cost of service study completed not more than five years prior to company's filing for rate adjustment for utilities that have revenue of \$1,000,000 or more

SCHEDULE A-10	Filing or updating of performance bond
SCHEDULE A-11	Current or updated service area map must be included in the application filed by the utility
SCHEDULE A-12	Statement of total plant investment, which includes date of acquisition, original cost, capital improvements, accumulated depreciation, useful lives, current depreciation, retirements, forecasted retirements within twelve months of the test year, and contributions in aid of construction
SCHEDULE A-12.5	Construction work in progress and forecasted capital investment
SCHEDULE A-13	Most recent letter of approval including percentage of capacity from the South Carolina Department of Health and Environmental Control or the successor or equivalent component of the South Carolina Department of Environmental Services, dated not more than six (6) months prior to date of application
SCHEDULE A-14	Customer bill form
SCHEDULE A-15	Annual report on file and copy of the receipt showing last period gross receipts paid
SCHEDULE A-16	Pertinent or relevant information determined by the Commission
SCHEDULE A-17	Transactions with affiliated companies and affiliated company relationships if not included in company's annual report filed with the Commission
SCHEDULE A-18	Proposed public notice including dollar and percentage proposed increase by customer class

Minimum Filing Requirements for Wastewater Utilities That Have Filed an Application for an Establishment of Rates and Charges:

SCHEDULE A-1	Copy of articles of incorporation or partnership agreement
SCHEDULE A-2	Plat of proposed area to be served
SCHEDULE A-3	Copy of engineering plans and specifications designed or certified to be in accordance with good engineering practices by a professional engineer registered in South Carolina
SCHEDULE A-4	Construction permit from the South Carolina Department of Health and Environmental Control or the successor or equivalent component of the South Carolina Department of Environmental Services, approving the engineering plans and specifications
SCHEDULE A-5	Schedule of proposed rates and charges and cost justifications including tap fees with attached schedules depicting labor costs, materials costs, and miscellaneous costs
SCHEDULE A-6	Number of customers proposed to be served and the capacity of the system
SCHEDULE A-7	Financial statement showing proposed plant investment by categories
SCHEDULE A-8	Depreciation schedule by categories of plant or average service lives
SCHEDULE A-9	Pro-forma income and expense statement showing the effect of using the proposed rates based on plant capacity

SCHEDULE A-10	Filing or updating of performance bond
SCHEDULE A-11	Statement by a professional engineer that the system was built and installed according to plans and specifications on file with the Commission and will furnish adequate service for the area to be served, if applicable
SCHEDULE A-12	Most recent letter of approval including percentage of capacity from the South Carolina Department of Health and Environmental Control or the successor or equivalent component of the South Carolina Department of Environmental Services, dated not more than six (6) months prior to date of application
SCHEDULE A-13	Customer bill form
SCHEDULE A-14	Pertinent or relevant information determined by the Commission

Minimum Filing Requirements for Water Utilities That Have Filed an Application for an Increase in Existing Rates and Charges:

SCHEDULE A-1	Statement of need justifying the proposed rate adjustments
SCHEDULE A-2	Current income and expense statement for the preceding twelve months
SCHEDULE A-3	Proposed rate schedule
SCHEDULE A-4	Test year to be used
SCHEDULE A-5	Pro-forma income and expense statement using proposed rates applied to the proposed test year
SCHEDULE A-6	Balance sheet
SCHEDULE A-7	Depreciation schedule by categories of plant or average service lives
SCHEDULE A-8	Number of present and expected customers in the following twelve months
SCHEDULE A-9	Cost justifications for proposed rates and charges, including tap fees, with attached schedules depicting labor costs, materials costs, and miscellaneous costs
SCHEDULE A-9.5	Current cost of service study completed not more than five years prior to company's filing for rate adjustment for utilities that have revenue of \$1,000,000 or more
SCHEDULE A-10	Filing or updating of performance bond
SCHEDULE A-11	Current or updated service area map
SCHEDULE A-12	Statement of total plant investment
SCHEDULE A-12.5	Construction work in progress and forecasted capital investment
SCHEDULE A-13	Most recent letter of approval including percentage of capacity from the South Carolina Department of Health and Environmental Control or the successor or equivalent

	component of the South Carolina Department of Environmental Services, dated not more than six (6) months prior to date of application
SCHEDULE A-14	Customer bill form
SCHEDULE A-15	Annual report on file and a copy of the receipt showing last period gross receipts paid
SCHEDULE A-16	Pertinent or relevant information determined by the Commission
SCHEDULE A-17	Transactions with affiliated companies and affiliated company relationships if not included in company's annual report filed with the Commission
SCHEDULE A-18	Proposed public notice including dollar and percentage proposed increase by customer class

Minimum Filing Requirements for Water Utilities That Have Filed an Application for an Establishment of Rates and Charges:

SCHEDULE A-1	Copy of articles of incorporation or partnership agreement
SCHEDULE A-2	Plat of proposed area to be served
SCHEDULE A-3	Copy of engineering plans and specifications designed or certified to be in accordance with good engineering practices by a professional engineer registered in South Carolina
SCHEDULE A-4	Construction permit from the South Carolina Department of Health and Environmental Control or the successor or equivalent component of the South Carolina Department of Environmental Services approving the engineering plans and specifications
SCHEDULE A-5	Schedule of proposed rates and charges and cost justifications including tap fees with attached schedules depicting labor costs, materials costs, and miscellaneous costs
SCHEDULE A-6	Number of customers proposed to be served and the capacity of the system
SCHEDULE A-7	Financial statement showing proposed plant investment by categories
SCHEDULE A-8	Depreciation schedule by categories of plant or average service lives
SCHEDULE A-9	Pro-forma income and expense statement showing the effect of using the proposed rates based on plant capacity
SCHEDULE A-10	Filing or updating of performance bond
SCHEDULE A-11	Statement by a professional engineer that the system was built and installed according to plans and specifications on file with the Commission and will furnish adequate service for the area to be served
SCHEDULE A-12	Letter from the South Carolina Department of Health and Environmental Control or the successor or equivalent component of the South Carolina Department of Environmental Services, approving the system for operation, dated not more than six (6) months prior to date of application
SCHEDULE A-13	Customer bill form

SCHEDULE A-14	Pertinent or relevant information determined by the Commission
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(3.1) A company must file its direct testimony at the same time as its application.

(3.2) All pleadings and testimony filed with the Commission must be in searchable pdf format.

(4) All other information required by statute or by the Commission's Rules and Regulations under which a specific type of application is filed, or as may be required by the Commission in a particular proceeding.

B. Form of Applications. Except where otherwise prescribed by the Rules and Regulations of the Commission under which a specific type of application is filed, applications shall conform to the requirements of R. 103-819 through R. 103-822.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-823.1. Financing Applications.

Any electrical utility filing financing applications must provide the following information as a separate part of its application:

a. Identify the effect of the proposed financing on the utility's income statement and balance sheet and identify the impact of the proposed financing on the utility's capital structure;

b. Identify specifically how the funds obtained through the proposed financing are to be used by the utility;

c. Provide information on the possible impact on the utility if the proposed financing is not approved or if approval is delayed;

d. Specify the expected effective rate of interest of any debt financing (a range for the rate is appropriate). For common stock issues, provide information on the anticipated market price and book value per share at the time of issue;

e. Provide information on the expected benefits (e.g., savings expected from early debt retirement) and costs (e.g., issuance expenses) of the proposed financing. Provide any studies that were developed to identify these costs and benefits and the net result. (This could incorporate present value analysis of the costs and benefits.) Identify the basic assumptions of any analyses of costs and benefits.

HISTORY: Added by State Register Volume 36, Issue No. 5, eff May 25, 2012.

103-823.2. Protection of Customer Data.

A. Definitions of Key Terms.

(1) Aggregated Data. The term “aggregated data” means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or the compilation of customer data from which all unique identifiers have been removed.

(2) Commission. The term “Commission” means the Public Service Commission of South Carolina.

(3) Customer Data. For purposes of this section, “customer data” means data about a current or former customer’s electric, natural gas, water, or wastewater usage; information that is obtained as part of an advanced metering infrastructure; and personal identifying information, as defined in S.C. Code Ann. Section 39-1-90(D)(3) and S.C. Code Ann. Section 16-13-510(D), as may be amended, including the name, account number, billing history, address of the customer, email address, telephone number, and fax number, in the possession of electric, natural gas, water or wastewater public utilities. Also, “customer data” means non-public retail customer-specific data or information that has been obtained or compiled by a public utility in connection with the supplying of Commission-regulated electric, natural gas, waste, or wastewater services. Customer data includes data or information that is: (a) collected from the meter, by the public utility, and stored in its data systems for billing purposes; (b) customer-specific usage information for regulated public utility service; (c) about the customer’s participation in regulated public utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs; or (d) any other non-public information specific to a customer that is related to electricity consumption, load profile, or billing history.

(4) Non-Public Utility Operations. The term “non-public utility operations” means all business enterprises engaged in by a public utility that are not regulated by the Commission or otherwise subject to public utility regulation at the state or federal level.

(5) Primary Purpose. The term “primary purpose” means the acquisition, storage or maintenance of customer data by a public utility, as defined by Title 58 of the South Carolina Code, which provides services pursuant to state law, federal law, or Order of the Commission.

(6) Secondary Commercial Purpose. The term “secondary commercial purpose” means any purpose that is not a primary purpose.

(7) Third Party. The term “third party” means a person who is not the customer, nor any of the following: (i) an agent of the customer designated by the customer with the public utility to act on the customer’s behalf; (ii) a regulated public utility serving the customer; or (iii) a contracted agent of the public utility. For purposes of this regulation, “third party” includes any non-public utility operations or affiliate of the public utility.

(8) Unique Identifier. The term “unique identifier” means a customer’s name, account number, meter number, mailing address, telephone number, or email address.

B. Aggregated data which has been aggregated to a degree that individual customer information is not identifiable shall not be considered “customer data.”

C. Customer Consent.

(1) A public utility shall not share, disclose, or otherwise make accessible to any third party a customer’s data, except as provided in subsection (F) or upon the consent of the customer.

(2) A public utility shall not sell a customer’s data for any purpose without the consent of the customer.

(3) The public utility or its contractors shall not provide an incentive or discount to the customer for accessing the customer's data without the prior consent of the customer.

(4) Before requesting a customer's consent for disclosure of customer data, a public utility shall be required to make a full disclosure to the customer of the nature and scope of the data proposed to be disclosed, the identity of the proposed recipient and the intended use of the data by the proposed recipient.

D. If a public utility contracts with a third party for a service that allows a customer to monitor the customer's usage, and that third party uses the data for a secondary commercial purpose, the contract between the public utility and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer and secures the customer's consent to the use of his or her data for that secondary commercial purpose prior to the use of the data.

E. A public utility shall use reasonable security procedures and practices to protect a customer's unencrypted consumption data from unauthorized access, destruction, use, modification, disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

F. Exceptions to Sections A through E.

(1) This section shall not preclude a public utility from disclosing aggregated data for analysis, reporting, or program management.

(2) This section shall not preclude a public utility from disclosing customer data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, or for fraud prevention purposes, provided that the public utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal identifying information contained in the customer data from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's prior consent to that use.

(3) This section shall not preclude a public utility from disclosing customer data in the course of its operations:

(a) Where necessary to provide safe and reliable service;

(b) As required or permitted under state or federal law or regulation or by an Order of the Commission;

(c) Including disclosures pursuant to and permitted by the Fair Credit Reporting Act Section 1681 et seq., Title 15 of the United States Code including for purposes of furnishing account and payment history information to and procuring consumer reports from a consumer reporting agency as defined by 15 U.S.C. Section 1681;

(d) Upon valid request from law enforcement;

(e) To respond to an emergency;

(f) To respond to service interruption reports or service quality issues;

- (g) To restore power after a storm or other disruption;
- (h) To respond to customers' requests for line locations, installation or repair of streetlights, support for construction or tree trimming/removal by customer, or other service orders or requests;
- (i) To inform customers as to tree trimming/vegetation control plans and schedules;
- (j) To respond to claims for property damage by the customer resulting from tree trimming/vegetation control or public utility construction;
- (k) To respond to customer complaints;
- (l) To protect the health or welfare of the customer or to prevent damage to the customer's property;
- (m) To assist the customer in obtaining assistance from social services, community action, or charitable agencies;
- (n) To perform credit checks or review payment history where customer deposits might otherwise be required or retained;
- (o) Where circumstances require prompt disclosure of specific information to protect customers' interests or meet customers' reasonable customer service expectations; or
- (p) This section shall not preclude a public utility from, in its provision of regulated public utility service, disclosing customer data to a third party, consistent with the public utility's most recently approved Code of Conduct, to the extent necessary for the third party to provide goods or services to the public utility and upon written agreement by that third party to protect the confidentiality of such customer data.

(4) Nothing in this section precludes the utility from advising a municipality when service is disconnected.

G. If a customer discloses or authorizes the utility to disclose his or her customer data to a third party, the public utility shall not be responsible for the security of that data, or its use or misuse.

H. Public Utility Guidelines.

(1) Each electrical, natural gas, water or wastewater public utility shall develop and seek Commission approval of guidelines for implementation of this section.

(2) The electrical, natural gas, water or wastewater public utility shall file its initial guidelines within 180 days of the effective date of this regulation for Commission approval. The guidelines should, at minimum, address the following:

- (a) Customer Notice and Awareness — practices to explain policies and procedures to customers.
- (b) Customer Choice and Consent — processes that allow the customer to control access to customer data including processes for customers to monitor, correct or limit the use of customer data.
- (c) Customer Data Access — procedures for use of customer data, purpose for collection, limitations of use of customer data and processes for customer non-standard requests.

(d) Data Quality and Security Procedures and Measures — procedures for security and methods to aggregate or anonymize data.

(e) Public Utility Accountability and Auditing — reporting of unauthorized disclosures, training protocol for employees, periodic evaluations, self-enforcement procedures, and penalties.

(f) Frequency of Notice to Customers — practices and procedures to provide initial and annual notification of its privacy policy to customers.

(g) Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties — practices, policies, and procedures when selecting the third party with whom the utility will share data so as to minimize unauthorized or inadvertent disclosure of customer data.

I. No Private Right of Action. This regulation shall be enforced by regulatory enforcement actions only. No private right of action for damages is created hereby.

J. Penalties. Failure to comply with this section is subject to any authority granted to the Commission by statute or regulation.

HISTORY: Added by SCSR 45-5 Doc. No. 4969, eff May 28, 2021.

103-824. Complaints.

Any person complaining of anything done or omitted to be done by any person under the statutory jurisdiction of the Commission in contravention of any statute, rule, regulation or order administered or issued by the Commission, may file a written complaint with the Commission, requesting a proceeding.

A. Contents of Complaints. A written complaint filed with the Commission shall contain the following information:

(1) The name, address, e-mail address, and telephone number of the person making the complaint and of his authorized representative, if he is represented.

(2) The name and address of the person about whom the complaint is made.

(3) A concise and cogent statement of the factual situation surrounding the complaint. If a complaint relates to an act, rule, regulation or order administered or issued by the Commission, or to a provision in a tariff or contract on file with the Commission, the act, rule, regulation, order, tariff or contract should be specifically identified in the complaint.

(4) A concise statement of the nature of the relief sought.

B. Form of Complaints. A complaint filed pursuant to this section shall conform to the requirements of R. 103-819 through R. 103-822.

C. Joinder of Complaints. Two or more grounds of complaint concerning the same subject or set of facts may be included in one complaint, but should be separately stated and numbered. Two or more

complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and if they involve substantially the same purpose, subject or set of facts.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-825. Petitions.

Petitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority. Petitions which may be filed include: Petition for Rulemaking, Petition for a Declaratory Order, Petition to Intervene, Petition for Rehearing or Reconsideration, and Petition for a Rule to Show Cause.

A. Content of Petitions. Petitions shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought. Petitions shall cite by appropriate reference the statutory provision or other authority relied upon for relief. The following requirements are applicable to specific types of Petitions:

(1) A Petition for Rulemaking shall set forth clearly and concisely:

- (a) The petitioner's interest in the subject matter;
- (b) The specific rule, amendment, waiver or repeal requested;
- (c) The statutory provision or other authority therefore;
- (d) The purpose of, and the grounds requiring, the proposed rulemaking.

(2) A Petition for Declaratory Order to determine applicability of any statute or of any rule or order of the Commission shall state clearly and concisely:

- (a) A full disclosure of the petitioner's interest;
- (b) The uncertainty which is the subject of the petition;
- (c) The statutory provision or other authority involved;
- (d) A complete statement of the facts prompting the petition.

(3) A Petition to Intervene in a proceeding before the Commission shall set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene.

(4) A Petition for Rehearing or Reconsideration shall set forth clearly and concisely:

- (a) The factual and legal issues forming the basis for the petition;
- (b) The alleged error or errors in the Commission order;
- (c) The statutory provision or other authority upon which the petition is based.

B. Form of Petitions. With the following exception for Petitions to Intervene, all petitions shall conform to the requirements of R. 103-819 through R. 103-822. Handwritten Petitions to Intervene may be accepted by the Commission, if legible.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-826. Answers.

Answers are submitted to the Commission in response to complaints and petitions, and to Rules to Show Cause issued by the Commission. Answers are not required to Petitions for Rehearing or Reconsideration.

A. Content of Answers.

(1) Answers shall be drawn so as to advise fully and completely the Commission and any party as to the nature of the defense. Answers shall admit or deny, specifically and in detail, each material allegation of the pleading answered, and shall state clearly and concisely the facts and law relied upon.

(2) In an answer to a Rule to Show Cause, mere general denials of the allegations contained in the rule which are unsupported by specific facts will not be considered as complying with this section and may be deemed a basis for entry of a final order without hearing, unless otherwise required by law, on the ground that that answer has raised no issue requiring a hearing or further proceeding.

B. Form of Answers. Except as provided in R. 103-826 all answers shall conform to the requirements of R. 103-819 through R. 103-822.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-827. Protests.

A. In General. A protest is intended to advise the Commission and all parties to a proceeding before the Commission of the fact and character of the protestant's objection to part or all of the subject matter of the proceeding. The filing of a protest does not make the protestant a party of record. The protest will be placed in a public file associated with, but not part of the formal record, and will be available for such further exploration of the substantive matters raised therein by the Office of Regulatory Staff and other parties as may be appropriate.

B. Form of Protests. No specific form of protest shall be required. The letter or writing should contain the name and address of the protestant, the proceeding or matter to which the protest is addressed, a concise statement of the protest, and whether the protestant wishes to make an appearance at a hearing, if scheduled.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-828. Amendments.

Any modification or supplement to a pleading shall be deemed an amendment to the pleading, and shall comply with the particular requirements of content and form for the type of pleading so amended. Upon its own motion or upon motion duly filed by a party of record, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within ten (10) days prior to the commencement of or during a hearing unless directed or permitted by the Commission or presiding officer after opportunity for all parties of record to be heard thereon.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-829. Motions.

A. Motions, except those made during hearings, will be reduced to writing and filed with the Chief Clerk at least ten (10) days prior to the commencement of a hearing. Responses to such motions are due within ten days after service of said motions. Replies to responses to motions shall be filed with the Commission within five days of service of the response. These times may be modified by order of the Commission or its designee for good cause. Written motions to quash a subpoena will be made pursuant to R. 103-832.

B. The Commission, in its discretion and upon due notice to all parties of record, may entertain oral argument and response on prefiled motions in advance of the scheduled hearing in the proceeding to which the motions pertain. Otherwise, such argument and response shall be made at the commencement of the hearing. The presiding officer may make a ruling upon such motion at the completion of oral argument, at the conclusion of the hearing, or in the written order making disposition of the subject matter of the proceeding.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-830. Filing and Service of Pleadings.

All pleadings shall be filed with the Chief Clerk of the Commission and served on the Office of Regulatory Staff unless and until it chooses not to participate in a proceeding.

A. Service of Complaints and Answers.

(1) A complainant requesting a hearing shall file the complaint with the Chief Clerk. The Chief Clerk shall furnish a copy of the complaint to the defendant within 14 days of filing.

(2) The defendant shall serve its answer on the complainant and shall file its answer with certification of service with the Commission within 30 days of receipt of the complaint, unless an extension of time is granted for good cause shown. Any defendant failing to file its answer within such period, unless an

extension of time is granted, shall be deemed in default and all relevant facts stated in such complaint may be deemed admitted.

B. Service of Petitions and Answers.

(1) If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be furnished to such named person within 14 days of the filing of the petition.

(2) The person named in a petition for a declaratory order or in a petition for a rule to show cause shall serve its answer on the petitioner and shall file its answer with certification of service with the Chief Clerk within 30 days of the receipt of the petition from the Chief Clerk unless an extension of time is granted for good cause shown.

(3) A person filing a petition to intervene or a party of record filing a petition for rehearing or reconsideration shall file the petition with certification that service of the petition has been made on all parties of record. The Chief Clerk shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

C. Service of Amendments. Any amendment to a pleading shall be served and answered, if applicable, according to the requirements specified herein for the type of pleading sought to be amended.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-830.1. Service Between Parties of Record.

Upon written agreement by all the parties in a docket, service of filings made in a docket at the commission may be made through e-mail or electronic service.

Upon a notice of appearance by a party in a docket or, in the case of an intervenor, the filing of a Petition to Intervene, service of filings made in a docket at the Commission shall be made through email or electronic service. The appearance of a party, or the filing of a Petition to Intervene in the docket evidences the consent of the party or Intervenor to accept service by email or electronic service. The notice of appearance filed by the party or Intervenor shall include an email address to receive electronic service of filings. If a party does not have the ability for electronic service, the party shall be served by traditional means.

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-831. Computation of Time.

The computation of time shall be governed by Rule 6 of the South Carolina Rules of Civil Procedure. Extensions of time may be granted by the commission for good cause shown. The provisions of Regulation 103-831 do not apply to Petitions for Rehearing or Reconsideration.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 33, Issue No. 6, eff June 26, 2009.

103-832. Subpoenas and Subpoenas Duces Tecum.

Subpoenas and Subpoenas Duces Tecum shall be issued and served in a manner consistent with the South Carolina Rules of Civil Procedure.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-833. Written Interrogatories and Request for Production of Documents and Things.

A. Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation attorney work product prepared for the pending proceeding or in anticipation of litigation.

B. Unless under special circumstances and for good cause shown, written interrogatories shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record written interrogatories to be answered by the party served. If the party served is a public or private corporation, partnership, limited liability company, association, or governmental agency, any officer or agent who possesses the desired information may respond to the interrogatories. Copies of interrogatories served shall also be filed with the Chief Clerk. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the interrogatories, but not less than 20 days after the service thereof, unless the time is extended or shortened by the Commission for good cause shown.

C. Unless under special circumstances and for good cause shown, requests for production of documents and things shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record requests for production of documents and things to be answered by the party served. If the party served is a public or private corporation, partnership, limited liability company, association, or governmental agency, any officer or agent who possesses the desired information may respond to the requests for production of documents and things. Copies of requests for production of documents and things served shall also be filed with the Chief Clerk. Each request for production of documents and things shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the requests for production of documents and things have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the requests for production of documents and things, but not less than 20 days after the service thereof, unless the time is extended or shortened by the Commission for good cause shown.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-834. Depositions.

Any party of record to a proceeding may, by written request, ask the Commission or its designee for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission or its designee deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken, specifying the subject matter of the examination, and setting forth the time and place of such deposition, and whether it shall be written or oral examination. All costs incidental thereto shall be paid by the party desiring such deposition. If the request is not deemed meritorious, the written request shall be denied by Order or otherwise.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-835. Other Discovery Procedures.

The S. C. Rules of Civil Procedure govern all discovery matters not covered in Commission Regulations. Upon motion by a party, the Commission may entertain proposed modifications to discovery procedures and schedules.

All discovery, including requests and responses to discovery, shall be served upon all parties, upon request, and with respect to confidential and or proprietary materials, the execution of an appropriate non-disclosure agreement or protective order. Every party is entitled to receive or to request a copy of all prior discovery in the proceeding upon the granting of intervention.

This section is subject to the limitations contained in S.C. Code Ann. Section 58-4-55.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-836. How Hearings are Set.

The Commission will assign a time and place for hearing and shall give notice thereof as required by law.

The Commission is authorized to conduct such hearings virtually or by other remote means, as needed.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-837. Hearing Calendar.

The hearing calendar will be posted in the office of the Chief Clerk of the Commission and shall be available for inspection by the public during the office hours of the Commission. Proceedings pending upon this calendar will be heard in their order of assignment, so far as practicable, at the times and places fixed, provided, however, in its discretion, with or without motion, the Commission may, at any time with reasonable notice to the parties, advance or postpone any proceeding on the hearing calendar.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-838. Continuance.

Any party of record desiring a continuance shall, immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to its knowledge, notify the Chief Clerk, stating in detail the reasons why such continuance is necessary. Unless good cause is shown, no such continuance shall be granted.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-839. Prehearing Conferences.

A. Purposes. Upon written notice by the Commission in any proceeding, parties of record or their authorized representative may be directed to meet before a designated staff member at a specified time and place for a conference, prior to a hearing, for the purpose of formulating issues, and considering:

- (1) The simplification of issues;
- (2) The necessity or desirability of amending the pleadings for the purposes of clarification, amplification or limitation;
- (3) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (4) Limitations on the number and consolidation of the examination of witnesses;
- (5) The procedure at the hearing;
- (6) The distribution of written testimony and exhibits to the parties prior to the hearing;
- (7) Any other matters as may aid in the disposition of the proceeding, or settlement thereof.

B. Report of Stipulations. Following the prehearing conference, a proposed Report of Stipulations, reciting the action taken at the conference, amendments allowed to the pleadings, if any, and agreements, if any, made by the parties of record concerning all of the matters considered, shall be provided to the parties of record or their authorized representatives for approval. If no objection to the Report of

Stipulations is filed within ten days after the date such Report is mailed, it shall be deemed to be approved. This Report, when approved, shall limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of the parties or their authorized representative and will control the subsequent course of the formal proceeding unless modified at the hearing to prevent manifest injustice.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-840. Consolidated Hearings.

The Commission, upon its own motion or upon motion by any party, may order two or more proceedings involving a similar question of law or fact to be consolidated for hearing where rights of the parties or the public interest will not be prejudiced by such procedure.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-841. Presiding Officer.

A. In General. When evidence is to be taken in a proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing.

B. Powers and Duties of Presiding Officer. A presiding officer shall have the duty to conduct full, fair, and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of proceedings, and to maintain order; and shall possess all powers necessary to that end, including the following:

(1) To administer oath and affirmations and the presiding officer may appoint a designee to administer oaths and affirmations;

(2) To order subpoenas issued and to provide for other methods of discovery;

(3) To receive evidence and rule upon all objections and motions that do not involve final determination of proceedings;

(4) To take such other action as may be necessary and appropriate to the discharge of duties consistent with the statutory authority or other authorities under which the Commission functions.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-842. Order of Procedure.

A. Investigations. Upon an investigation initiated by the Office of Regulatory Staff or by request of the Commission, evidence in a proceeding will ordinarily be received in the following order:

(1) Office of Regulatory Staff;

(2) Respondent;

(3) Other parties.

B. Applications and Petitions. Evidence will ordinarily be received upon applications and petitions in the following order:

(1) Applicant or Petitioner;

(2) Other parties;

(3) Office of Regulatory Staff.

C. Complaint. Evidence will ordinarily be received upon complaints in the following order:

(1) Complainants;

(2) Respondents;

(3) Other parties;

(4) Office of Regulatory Staff.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-843. Standard of Conduct.

All individuals acting in a representative capacity in proceedings before the Commission shall conform to the standards of ethical conduct required of attorneys before the courts of this State. If any such individual does not conform to such standards, the Commission may decline to permit such individual to act in a representative capacity in any proceeding before the Commission.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-844. Failure to Attend Designated Hearing.

A. At the time and place set for hearing, if an applicant, petitioner, or complainant fails to attend personally or through an authorized representative without having obtained a continuance in the manner specified in R. 103-838, the Commission may dismiss the petition, application, or complaint with or without prejudice or may, upon good cause shown, recess such hearing for a further period to be set by the Commission to enable such applicant, petitioner, or complainant to attend.

B. Parties of record or their authorized representative shall be present during all proceedings of any scheduled matter pending before the Commission except upon leave of the presiding officer.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-845. Witnesses.

A. In General. Witnesses shall be examined orally. Witnesses presenting testimony shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them. All exhibits, no matter the size, must be easily readable and legible.

B. Cumulative Testimony Restricted. The presiding officer may limit the number of witnesses whose testimony may be merely cumulative. In order to enforce this section, the presiding officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

C. Prepared Statements and Exhibits. Copies of witness testimony and exhibits shall be prefiled with the Commission as prescribed. A witness may read into the record, as his or her direct testimony, statements of fact or expressions of his or her opinion prepared by him or her, or written answers to interrogatories of counsel. A prepared statement of a witness may also be received as an exhibit. All parties of record, insofar as it is practicable, should prefile with all other parties of record copies of prepared testimony and exhibits that the party of record proposes to use during a hearing. In proceedings involving utilities, the Commission shall require any party and the Office of Regulatory Staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. In proceedings involving companies other than utilities, the Commission may require any party and the Office of Regulatory Staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. Except as provided in S.C. Code Ann. Regs. 103-823, and unless the Commission shall otherwise order, an Applicant or Complainant whose case initiates a docket which requires a hearing shall file supporting written testimony with or without exhibits within two weeks of filing its application, tariff, petition, request, or complaint or within two weeks of the Commission Staff issuing a Notice of Hearing and/or a Notice of Filing and Hearing. This shall not apply to an individual filing a Formal Complaint who is appearing on his or her own behalf, fuel adjustment clause, and purchased gas adjustment cases.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-846. Evidence.

A. In General. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the Court of Common Pleas shall be followed. Effect shall be given to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. Reception and Ruling on Proffered Evidence. The presiding officer shall rule on the admissibility of all evidence and shall otherwise control the reception of evidence so as to confine it to the issues in the hearing.

C. Notice of Cognizable Facts. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties of record shall be notified either before or during the hearing, or by reference in

preliminary reports or otherwise, of the material noticed. Parties shall be afforded an opportunity to contest the material proposed to be noticed.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-847. Documentary Evidence.

A. Commission Files. In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or file containing the matter so offered.

B. Records in Other Proceedings. If the transcript, or any portion thereof, of another proceeding before the Commission is desired to be introduced into the formal record at a subsequent hearing, a true copy of the portion desired must be presented.

C. Abstracts of Documents. When documents are numerous, such as freight bills or bills of lading, and it is desired to offer in evidence more than a limited number of such documents as typical of the others, an abstract of relevant data of such documents shall be prepared in an orderly manner and offered as an exhibit, giving other parties to the proceeding reasonable opportunity to examine both the abstract and the documents.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-848. Exhibits.

A. Size of Exhibits. Except by special permission of the presiding officer, no prepared exhibits offered as evidence shall be of greater size, when folded, than 8 1/2 inches by 11 inches.

B. Copies of Exhibits. When exhibits are offered in evidence, the original shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy to each Commissioner sitting and the presiding officer, each party of record, and the staff, unless such copies have been previously furnished or the presiding officer directs otherwise. Whenever practicable, the parties should exchange copies of exhibits that they propose to use prior to the hearing. All exhibits, no matter the size, must be easily readable and legible.

C. Marking of Exhibits. All exhibits shall be marked numerically in the order of identification.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007. Amended by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-849. Objections to the Introduction of Evidence.

A. In General. Any evidence offered in whatever form shall be subject to appropriate and timely objection. When objection is made to the admissibility of evidence, such evidence may be received subject

to later rulings by the presiding officer. The presiding officer, in his discretion, either with or without objection, may exclude inadmissible, incompetent, cumulative, or irrelevant evidence, or order the presentation of such evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered.

B. Offers of Proof. When the presentation of any evidence is objected to and such objection is sustained by the presiding officer, the proponent of the evidence may request that she or he be allowed to present an offer of proof for the formal record. Such offer of proof shall consist of a statement of the substance of the evidence to which objection has been sustained, or if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall constitute the offer of proof.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-850. Transcripts.

A. In General. The Commission will cause to be made a record of all proceedings.

B. Copies of Transcript. Copies of the typewritten transcript of any proceeding may be obtained from the hearing reporters upon request and after payment of the applicable fee.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-851. Briefs or Proposed Orders.

A. Due Date. The presiding officer shall fix the time for filing and service of briefs or proposed orders.

B. Table of Contents and Citations. A brief of more than 20 pages shall contain a table of contents showing arguments presented with page references and a list of citations, alphabetically arranged with references to the pages where they appear.

C. Scope of Briefs or Proposed Orders. Briefs should contain:

- (1) A concise statement of the case;
- (2) An abstract of the evidence relied upon, preferably assembled by subjects;
- (3) Factual and legal arguments, or if a proposed Order, reasons and authorities therefore.

D. Exhibit Reproduction. Exhibits may be reproduced in an appendix to the brief. Analysis of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

E. Filing and Service. Briefs or proposed orders must be filed with the Chief Clerk and served on parties of record on or before the date fixed. If not filed on or before the date fixed, the brief will not be received without permission from the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties of record or their authorized representatives who appeared at the hearing. Ten copies of each brief shall be furnished for the use of the Commission and staff.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-852. Service of Orders.

A. All Orders representing final disposition of a proceeding shall be filed with the Chief Clerk, who shall serve copies thereof upon all parties of record or their authorized representative. Such service shall be by electronic service, certified mail, registered mail, or by delivery to the parties or their attorneys, as may be appropriate.

B. All parties of record, including attorneys of record or legal representatives, who electronically file documents through the Docket Management System consent to service of orders through email or electronic service, and such service is effective upon the email or electronic service being sent. The notice of appearance filed by the party or the Petition to Intervene filed by an Intervenor shall include an email address to receive electronic service of orders and filings. All parties of record, including attorneys of record or legal representatives, must maintain with the Clerk's Office current contact information including email addresses and mailing address.

C. All parties of record, including attorneys of record or legal representatives, who electronically file documents through the Docket Management System are served a Commission Order immediately when the Clerk's Office electronically enters the Order on the Docket Management System.

D. If any party of record does not have the ability to receive email or electronic service, the party shall be served by traditional means of certified mail, registered mail, or by delivery to the parties or their attorneys, as may be appropriate. Where service is made by mail, service is complete upon mailing to the address provided by the party of record.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-853. Finality of Decision.

All proceedings before the Commission shall be disposed of by issuance of an Order as defined in R.103-804(K) served upon all parties of record.

A. Effective Date of Orders. Commission Orders shall take effect and become operative when served by electronic service, registered or certified mail, unless otherwise designated, and shall continue in force and effect either for a period which may be designated therein or until rescinded, modified, or amended by the Commission. If an Order cannot be complied with within prescribed time limit, the Commission may grant such additional time as in its judgment is reasonably necessary to comply with the Order.

B. Rescinding, Modifying, Amending Order or Decision. The Commission may rescind, modify, or amend any Order. If the rescission, modification, or amendment pertains to other than clerical errors or omissions, parties of record shall be provided notice and opportunity to be heard. Any Order rescinding, modifying, or amending a prior Order shall have the same effect as is provided for in original Orders, but no such Order shall affect the legality or validity of any acts done pursuant to the original Order before notice of such rescission, modification, or amendment.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007; SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-854. Petition for Rehearing or Reconsideration.

Unless otherwise provided by law, no cause of action shall accrue in any court of competent jurisdiction to vacate or set aside any Order of the Commission, either in whole or in part, unless a petition for rehearing or reconsideration and proof of service are filed with the Commission, and an Order has been issued disposing of the matter.

A. Form, Contents of Petition for Rehearing or Reconsideration. All petitions for rehearing or reconsideration shall conform to R. 103-825.

B. Time limit for filing a petition for rehearing or reconsideration. Except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976), any party of record may, within 20 days after the date of receipt of Order, petition the Commission for rehearing or reconsideration. A Petition for Reconsideration shall be subject to the same statutory parameters as a Petition for Rehearing.

C. Action by the Commission. The Commission must act upon the petition for rehearing or reconsideration within thirty (30) days after such petition is filed except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976). Failure to act within this time period shall be deemed a denial of the relief sought in the petition.

D. Effect of Filing a Petition. Filing a petition shall not excuse or delay compliance with an Order issued by the Commission, unless specifically provided by the Commission.

HISTORY: Added by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-855. Repealed.

HISTORY: Former Regulation, titled Presiding Officer's Proposed Report, had the following history: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007. Repealed by SCSR 48-5 Doc. No. 5168, eff May 24, 2024.

103-856. Appellate Review.

A. In General. After denial of rehearing, a party of record may appeal a Commission Order to the appropriate judicial forum pursuant to applicable provisions of law.

B. Stay of Commission Order Pending Review. Except as otherwise provided by law, an appeal from an Order of the Commission shall not of itself stay or suspend operation of the Order of the Commission.

C. Transcript of Testimony. A transcript of the proceeding will be furnished upon request directed to the Commission's hearing reporters, stating the number of copies desired, the person to be billed and the person to whom the transcript is to be sent.

D. Record on Appeal. In any action to review a final decision of the Commission, the record shall consist of all items set forth in R. 103-804E.

E. Stipulations. The Commission, and any party of record appealing a Commission Order, may stipulate that a certain question or questions and a specified portion of the evidence shall be certified to the Court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on view.

F. Priority. Cases appealed from the Commission shall have priority where such is given by statute.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-857. Penalty Provisions.

A. In General. Any fine or penalty assessed against any person as allowed by statute, may be imposed in accordance with applicable provisions of law and these rules as established by the Commission.

B. Calculation of Fine or Penalty. The fine or penalty will be incurred and will accrue each day with each day considered a separate breach or violation.

C. Payment of Fine or Penalty. A fine or penalty assessed pursuant to the provisions of these rules shall be paid immediately upon demand by certified check made payable to the State of South Carolina. Failure to honor this demand within ten days shall result in a filing in the appropriate county office or offices, for collection of such fine or penalty as provided by law.

D. Disbursement of Fine or Penalty. All fines or penalties assessed by the Commission shall go into the general funds of the State unless otherwise provided by law.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-858. General Provisions.

A. Additional Hearings. The Commission may, in addition to other hearings as provided for by rule or statute, conduct such other hearings as may be required in the administration of the Commission's power and duties.

B. Construction. If any provision of these rules or the application thereof is held invalid, the remainder of the rules or other application of such rules shall not be affected.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-859. Emergency Procedures.

A. When it appears to the Office of Regulatory Staff that a utility is planning to disconnect its service to a customer(s) in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff, any one Commissioner may issue an Order on behalf of the Commission restraining and/or enjoining a utility from disconnecting service or requiring the utility to maintain the status quo with its customer(s) until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

B. When it appears to the Office of Regulatory Staff that a utility has disconnected a customer's (s') service in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff, any one Commissioner may issue an Order on behalf of the Commission requiring the utility to reconnect the service and maintain that status quo until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.