

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 3

Electric Systems

Subarticle 1

General Provisions

103-300. Authorization of Rules.

A. Sections 58-27-150 and 58-27-1910, Code of Laws of South Carolina, 1976, provides: “Rules and Regulations.—The commission may make such rules and regulations not inconsistent with law as may be proper in the exercises of its power or in the performance of its duties under this Chapter, all of which shall have the force of law.”

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards for electric 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 All previous rules or standards are hereby revoked, annulled, and superseded.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 either the commission or the utilities of any duties under the laws of this State.

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

103-301. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, association, establishment or corporation (except municipalities or agents thereof, within their corporate limits, and any other exempt by South Carolina Statutes), which is now or may hereafter become engaged as an electric system as defined in 103-302(5), herein, in the business of furnishing electric current for domestic, commercial, or industrial customers within the State of South Carolina.

2. Purpose. The rules are intended to define good practice. They are intended to insure adequate and reasonable service. The electric systems 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 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 32, Issue No. 5, eff May 23, 2008.

103-302. Definitions.

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

1. Commission. The Public Service Commission of South Carolina.
2. Consolidated Political Subdivision. The term ‘consolidated political subdivision’ means a consolidated political subdivision existing pursuant to the Constitution of this State, and shall not be deemed a city, town, county, special purpose district, or other governmental unit merged thereinto.
3. Customer. Any person, firm, association, establishment, partnership, or corporation, or any agency of the Federal, State or local government, being supplied with electric service by an electrical utility under the jurisdiction of this commission.
4. Electric Supplier. The term ‘electric supplier’ means any electrical utility other than a municipality, and means any electric cooperative other than an electric cooperative engaged primarily in the business of furnishing electricity to other electric cooperatives for resale to other electric consumers, and any consolidated political subdivision owning or operating an electric plant or system for furnishing of electricity to the public for compensation.
5. Electric System. The term ‘electric system’ means any electrical utility, electric supplier, utility, electric cooperative, public utility district, governmental body or agency, including consolidated political subdivisions, or another person or corporation supplying electric service to the public to the extent covered by the applicable Sections of the S. C. Code of Laws.
6. Electrical Utility. The term ‘electrical utility’ includes municipalities to the extent of their business, property, rates, transactions, and operations outside the corporate limits of the municipality, or persons, associations, firms, establishments, partnerships and corporations, their lessees, assignees, trustees, receivers, or other successors in interest owning or operating in this State equipment or facilities for generating, transmitting, delivering or furnishing electricity for street, railway or other public uses or for the production of light, heat or power to or for the public for compensation; but it shall not include an electric cooperative or a consolidated political subdivision and shall not include a person, corporation, special purpose district or municipality furnishing electricity only to himself or itself, their resident employees or tenants when such current is not resold or used by others.

7. Municipality. The term ‘municipality’ when used in these Rules and Regulations includes a city, town, county, township and any other corporation existing, created or organized as a governmental unit under the Constitution or laws of this State except a ‘Consolidated Political Subdivision’.

8. ORS. The South Carolina Office of Regulatory Staff.

9. Rate. The term ‘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 electrical utility for any electric current or service offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, toll, rental or classification.

10. Utility. Every privately-owned corporation, firm or person furnishing or supplying electric service to the public, or any portion thereof, for compensation.

11. Local Office or Business Office. These terms mean that in the event an electrical utility operates a local office or business office set forth in this article, then the electrical 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 electrical utility.

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

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

103-303. Authorization for Rates and Charges.

A. No schedules of rates or contracts involving rates, under jurisdiction of the commission, differing from approved tariffs or rates shall be changed until after the proposed change has been approved by the commission.

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

C. No rates, tolls, charges nor service of any electrical utility under the regulation of this commission 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. Any change in rates or charges affecting classifications of rates and services by electric cooperatives shall be provided to the ORS and filed with the commission and subject to approval in accordance with S. C. Code Ann., Sections 58-27-840.

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

103-304. Territory and Certificates.

No electrical utility supplying electric service to the public shall hereafter begin the construction or operation of any electric facilities, 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 the ORS, other interested electric systems and to the public, and after due hearing; provided, however, that this regulation shall not be construed to require any such electrical utility to secure a certificate for any extension within a 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 electrical utility, but if any electric system in constructing or extending its lines, plant or system unreasonably interferes, or is about to unreasonably interfere, with the service or the system of any other electric system, the commission may make such order and prescribe such terms and conditions in harmony with this regulation as are just and reasonable.

1. Rural Territorial Act. The commission has assigned all areas outside municipal limits, and more than 300 feet from the lines (as defined in Section 58-27-610(3) of the South Carolina Code of Laws), as such lines existed on the dates of assignments, of any electric supplier (except some territory which was left unassigned to any supplier), and no electric supplier shall construct lines and equipment except as provided by S.C. Code of Laws, Sections 58-27-620(2); 58-27-620(4); 58-27-620(6); 58-27-650; and 58-27-660(1), into territory assigned to another supplier without prior approval of the commission; and no electric supplier shall construct permanent lines and equipment into any territory left unassigned by the commission pursuant to S.C. Code Ann., Section 58-27-640 without prior notice to the commission and the ORS filed within a reasonable period of time prior to the date of actual construction of permanent lines, which notice shall include a map of the area showing existing facilities, location of the customer, and the proposed route of the permanent line, and a written certification that those electric suppliers furnishing electric service in any areas contiguous to the unassigned territory have been provided a copy of the notice of construction of facilities as filed with the commission and provided to the ORS, and all such facilities providing electric service shall be constructed in accordance with good utility practices and all other applicable provisions of the S.C. Code of Laws, as amended.

2. Utility Facility Siting and Environmental Protection Act. No electric system subject to the jurisdiction of the commission shall begin the construction and/or operation of any transmission line with a designed voltage of 125 KV or more or the construction and/or operation of a generating station of more than 75 megawatts, except a hydroelectric generating facility, before receiving a certificate of Environmental Compatibility and Public Convenience and Necessity in accordance with Sections 58-33-10 et seq., of the Code of Laws of South Carolina, 1976.

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.

103-305. Utilities Rules and Regulations.

Each electrical utility shall adopt Rules, Regulations, Practices, Service Requirements, Terms and Conditions, etc., as may be necessary in the operation of such utility which shall be provided to the ORS 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

103-310. 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. 5177, eff May 24, 2024.

103-311. Retention of Records.

Unless otherwise specified by the commission or by regulation, or commission Order governing specific activities, all records required by these Rules and Regulations shall be preserved for a minimum of two years.

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

103-312. Data to be Filed with the Commission and Provided to the ORS.

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

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

A. Tariff

1. A copy of each electric system's schedule of rates and charges for service, together with applicable riders.

2. A copy of each electric system's Rules and Regulations, or Terms and Conditions describing each electric system's policies and practices in rendering service. These rules shall include a listing of available voltages and service characteristics.

3. 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.

B. Customer Bill

A copy of each type of bill form used in billing for electric service must be provided to the ORS.

C. Operating Area Map

1. Suitable maps and “one-line diagrams” shall be made available to the ORS showing the size, character and location of each main transmission circuit and generating stations and main substations.

2. When an application for a Certificate of Public Convenience and Necessity is made by an electrical utility, a section of map showing the proposed line extension shall accompany such application.

D. Authorized Representative

The electrical utility shall advise the commission and the ORS of the name, address and telephone number of the person, or persons, to 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.

E. Contract Forms

A copy of the electrical utility’s electric power contract form, and special electric power contract forms for customer service is to be provided to the ORS.

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

103-313. Inspection of Utility Plant.

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

B. Each utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in subarticles 5 and 6 of these rules and regulations.

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

103-314. Interruption of Service.

Each electrical 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 an important division of such a community, including a statement of the time, duration, and cause of any such interruption. The commission and the ORS are to be notified of any such interruptions as soon as practicable after it comes to the attention of the utility and a complete report made to the commission and the ORS after restoration of service if such interruption is for more than six hours duration.

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

103-315. Incidents.

A. Each electrical utility shall, as soon as practicable, report to the ORS each material incident in connection with the operation of the electrical utility's property, facilities, or service including, but not limited to: (a) serious injury or death of any person; (b) evacuation; and (c) damage to a customer's or third party's property that will require, in the electrical utility's commercially reasonable estimation, repair costs in excess of \$15,000. Such first report shall later be supplemented within thirty (30) days by a statement of the cause and details of the incident, based on the facts then known to the electrical utility, and the measures, if any, that have been taken to reduce the risk of similar incidents in the future.

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

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

103-317. Meter History Records.

Each electrical 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 electrical utility and for at least twelve months thereafter.

- a. Date of Purchase.
- b. The complete identification-manufacturer, number, type, size, capacity, multiplier and/or constants.
- c. The dates of installation and removal from service, together with the location, unless otherwise directed by the commission.

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

103-318. Meter, Test, Records and Reports.

Each electrical utility shall maintain records of tests made of any billing meter. The record of the meter test shall be maintained for a minimum of three years after the meter's retirement. Test records shall include the following:

- a. The date and reason for the test.
- b. The reading of the billing meter before making any test.
- c. Information necessary for identifying the meter.
- d. 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.
- e. The accuracy “as found” at “Light Load” and at “Full Load”, or “Test Amperes”.
- f. The accuracy “as left” at “Light Load” and at “Full Load”, or “Test Amperes”.

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

Subarticle 3

Meters

103-320. Meter Requirements.

Service shall be measured by meters furnished by the electrical utility unless otherwise ordered by the commission, and such meters shall maintain the degree of accuracy as set forth in 103-323.

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

103-321. Meter Reading.

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis 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.

103-322. Meter Reading Data.

The Meter Reading Data maintained by the electrical utility shall include:

- a. Customer’s name, service address and rate schedule designation.
- b. Identifying number and/or description of the meter(s).
- c. Meter readings.
- d. If the reading has been estimated.

e. Location of meter or special reading instructions, if applicable.

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

103-323. Meter Accuracy and Condition.

A. Creeping: No watt-hour meter which registers on “no load” when the applied voltage is less than one hundred and ten (110%) percent of standard service voltage shall be placed in service or allowed to remain in service.

B. No watt-hour meter shall be placed in service which is in any way defective to impair its performance, or which has incorrect constants or which has not been tested individually or under a sample meter testing plan approved by the commission for accuracy of measurements and adjusted, as specified in 103-373(2), if necessary, to meet these requirements:

Average error not over 0.5% plus or minus;

Error at “Full Load” (test amperes) not over 0.5% plus or minus;

Error at “Light Load” not over 1.0% plus or minus.

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.

103-324. Meter Seal.

Immediately after the pre-installation or field test of a meter, the manufacturer or the electrical utility shall affix a seal or locking device in order to avoid tampering. The meter installation shall be sealed or locked to help prevent tampering or theft of current.

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

103-325. Location of Meters.

A. No customer’s meter shall be installed in any location where it may be unreasonably exposed to damage, or in any unduly dirty, or inaccessible location.

B. Outdoor meters shall be used where practicable. Meters should not be placed on any unstable supports subject to vibration or tilting in excess of 4 degrees and should be free of obstruction for a distance of three feet in front of the meter and with sufficient space below the meter to allow the use of proper test facilities.

C. Meters should be easily accessible for reading, testing and making necessary repairs and adjustments, and where more than one meter is installed at one location, sufficient space shall be allowed between and in front of meters to facilitate repairs and tests. Each customer shall tag or mark each “house” loop to indicate circuit metered.

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

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

103-326. Change in Character of Service.

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

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

103-327. Master Metering.

A. All service delivered to new multi-occupancy residential premises at which units of such premises are separately rented, leased or owned shall be delivered by an electrical utility on the basis of individual meter measurement for each dwelling.

B. Any exception to the provisions of paragraph A., supra, must be approved by the commission upon its determination that individual metering to such premises is impractical and unreasonable.

C. Service to structures for which permits were issued or construction started prior to January 23, 1981, shall not be affected by the provisions contained herein.

D. Commercial premises with master metered service established prior to October 31, 1980, which are later converted to residential use shall not be affected by provisions contained herein.

HISTORY: Added by State Register Volume 5, eff April 24, 1981. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

Subarticle 4

Customer Relations

103-330. Customer Information.

Each electrical 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 electrical utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.

b. Provide to each new residential and small commercial customer, within sixty days of application for service, a clear and concise explanation of the available rate schedules for the class of service for which the customer makes application for service.

c. Provide to each residential and small commercial customer to whom more than one rate schedule is reasonably available a clear and concise summary of the existing rate schedules applicable to the customer's class of service at least once a year.

d. Notify each affected customer of any proposed adjustment in rates and charges, excluding adjustment of base rates for fuel costs within sixty days of the date of the filing of such adjustment or as otherwise directed by the commission.

e. Provide to each customer, upon request, a clear and concise statement of the actual consumption of electrical energy by such customer for the previous twelve months.

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

g. 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.

h. Provide adequate means (telephone, etc.) whereby each customer can contact the electrical utility or its authorized representative at all hours in cases of emergency or unscheduled interruptions of service.

i. Upon request, give its customers such information and assistance as is reasonable in order that customers may secure safe and efficient service.

j. Notify any person making a complaint recorded pursuant to 103-345 that the electrical utility is under the jurisdiction of the commission and the customer may notify the ORS of the complaint.

HISTORY: Amended by State Register Volume 5, eff April 24, 1981; 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. 5177, eff May 24, 2024.

103-331. Customer Deposits.

A. Each electrical 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 an electrical 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, a letter of good credit from an electrical utility, 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 his service terminated for non-payment or fraudulent use, or

5. A non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical 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. All electrical 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 electrical utility elects to require a deposit under Subsection (A)(5) of this Rule, then the electrical utility shall inform the affected customer of the provisions of this Rule.

C. For non-residential customers, the electrical 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.

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; State Register Volume 35, Issue No. 6, eff June 24, 2011; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

103-332. Amount of Deposits.

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 utilized in determining deposits required by the electrical utility upon being provided to the ORS and filed and approved by the commission.

D. Special offerings may be exempt as determined by the commission; i.e., subdivision lighting, outdoor lighting, etc.

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

103-333. Interest on Deposits.

A. Simple interest on deposits at the current effective interest rate per annum prescribed by order of the Public Service Commission shall be paid by the electrical utility to each customer required to make such deposit for the time it is held by the electrical utility, provided that no interest need 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 at least 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 electrical utility customer and maintained in the customer's records at the electrical 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; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

103-334. Deposit Records.

Each electrical utility shall keep records 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.

103-335. Deposit Receipt.

Each electrical 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.

103-336. Deposit Retention.

A. Deposit 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. An electrical 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 an electrical 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 timely manner.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

103-337. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least one year, during which time the electrical utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the S. C. 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.

103-338. 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, an electrical 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 electrical utility may not charge an additional deposit except under the provisions of regulation 103-332.

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

103-339. Customer Billing.

The electrical utility shall bill each customer as promptly as possible 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 shall 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 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 electrical utility’s local office.
- g. Amount for electrical usage (base rate).
- 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 electrical 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 an electrical 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 and regulations, nonpayment of bills, or fraudulent use of service, the electrical utility may make reasonable charges, 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 electrical utility shall not send a customer an estimated bill, except for a good cause, where the meter could not be read or was improperly registering. In no instance will more than one estimated bill be rendered within a sixty-day period, unless otherwise agreed to by the customer.

103-340. Adjustment of Bills.

If it is found that an electrical utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such electrical utility than that prescribed in the schedules of such electrical utility applicable thereto, then filed in the manner provided in Chapter 27 of Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from an electrical utility for a compensation greater or lesser 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 103-370(2).

b. In the event that the meter so tested is found to have an error in registration of more than two (2) per cent, the bills will be increased or decreased accordingly, but in no case shall such a correction be made for more than sixty (60) days.

2. Customer Willfully Overcharged. If the electrical utility has willfully overcharged any customer, except as provided for in 1 of this rule, then the method of adjustment shall be as provided in S. C. Code Ann. Section 58-27-960 and Section 58-27-2410 et seq. (1976) and 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 electrical 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 electrical utility shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

a. If the interval during which the customer was overcharged can be determined, then the electrical 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 electrical 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 Willfully Misleading Company. If the electrical utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any such action by any person (other than the employees or agents of the electrical utility), 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 electrical utility as such, then notwithstanding 1 of this rule, the electrical utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the electrical 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 electrical utility shall collect the deficient amount incurred during the twelve-month period preceding the date when the billing error was discovered by the electrical utility.

c. If the usage and/or demand 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 and/or demand.

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

5. Equal Payment Plans. An electrical utility may provide 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 plans shall be subject to this rule.

6. Customer Undercharged Due to Human or Machine Error. If the electrical 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, 2 and 4 of this rule then the electrical utility may recover the deficient amount as provided as follows:

a. If the interval during which a consumer having a demand of less than 50 KW was undercharged can be determined, then the electrical utility may collect the deficient amount incurred during that entire interval up to a maximum period of six months. For a consumer having a demand of 50 KW or greater, the maximum period shall be twelve months.

b. If the interval during which a consumer was undercharged cannot be determined, then the electrical utility may collect the deficient amount incurred during the six-month period preceding the date when the billing error was discovered by the electrical utility. For a consumer having a demand of 50 KW or greater, the maximum period shall be 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 and/or demand incurred by that person during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

103-341. Applications for Service.

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

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

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

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.

103-342. 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 electrical utility to be hazardous or dangerous.

b. Without notice in the event of customer's use of equipment in such a manner as to adversely affect the electrical utility's service to others.

c. Without notice in the event of unauthorized or fraudulent use, excluding tampering, of the electrical utility's service, i.e.:

1. Misrepresentation of the customer's identity.

2. For reconnection of service by customer who has had service discontinued for violation of and/or noncompliance with the commission's regulation 103-342, et seq.

d. Tampering.

After the customer has applied for and/or received service from the electrical utility, he shall make every reasonable effort to prevent tampering with the meter and service drop serving his premises. A customer shall notify the electrical utility, as soon as possible, of any tampering with, damage to, or removal of any equipment.

Tampering with meters or with conductors carrying unmetered current and unauthorized breaking of electrical utility's seals is prohibited by law and shall not be tolerated by the electrical utility. Such meter tampering shall include but shall not be limited to, unassigned meters, altered meters, upside down meters, or the attachment to a meter or distribution wire of a device, mechanism or wire which would permit the use of unmetered electricity. Should the electrical utility find that the meter, conductors, or seals have been

tampered with, the electrical 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 damage to the electrical 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 103-332 et seq.

Nothing herein shall prevent the electrical utility from instituting appropriate legal actions for violations and/or noncompliance with the commission's regulations.

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 electrical utility reasonable access to its equipment.

g. For nonpayment of bill for service rendered provided that the electrical utility has made reasonable efforts to effect collection and has complied with the provisions of regulation 103-352.

h. For failure of the customer to provide the electrical utility with a deposit as authorized by regulation 103-331.

i. For failure of the customer to furnish permits, certificates, and rights-of-way, as necessary to obtain service, or in the event such permissions are withdrawn or terminated.

j. For failure of the customer to comply with reasonable restrictions on the electrical utility's service, provided that notice has been given to the customer and that written notice has been furnished to the commission and the ORS.

k. No electrical 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 electrical 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 electrical 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 electrical utility may terminate a customer's service should the customer be in arrears on an account for service at another premise.

m. For the reason that the customer's use of the electrical utility's service conflicts with, or violates orders, ordinances or laws of the State or any subdivision thereof, or of the commission.

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 32, Issue No. 5, eff May 2008.

103-343. Insufficient Reasons for Denying Service.

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

- a. Nonpayment 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 electrical utility.

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.

103-344. Right of Access.

Authorized agents of the electrical utility shall have the right of access to premises supplied with electric service, at reasonable hours, for the purpose of reading meters, maintenance, repair, and for any other purpose which is proper and necessary in the conduct of the electrical utility's business. Such agents shall, upon request of a customer, produce proper identification and inform the customer of the purpose of necessary access to the occupied premises.

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

103-345. Complaints.

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

B. When the ORS has notified the electrical utility that a complaint has been received concerning a specific account, the electrical utility shall refrain from discontinuing the service of that account until the ORS's investigation is completed and the results have been received by the electrical utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission within fifteen days of the ORS mailing the results of the ORS investigation, along with a copy of regulation 103-345, 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.

103-346. Rates for Service, Rate Schedules, Rules and Regulations.

Copies of all schedules of rates for service, forms of contracts for service, charges for service connections and of all rules and regulations covering the relations of customer and electrical utility, shall be provided to the ORS and the commission by each electrical utility and approved by the commission in the office of

the commission. Complete schedule, contract forms, rules and regulations, etc., as filed with and approved by the commission, shall also be on file in the local offices of the electrical utility and shall be available for inspection by the public.

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

103-347. System Which Electrical Utility Must Maintain.

Each electrical utility, unless specifically relieved by the commission from such obligation, shall operate and maintain in a safe, efficient and proper condition all of the facilities and equipment used in connection with the regulation, measurement and electric service to any customer up to and including the point of delivery into the facilities owned by that customer.

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

103-348. System Extensions.

Each electrical utility shall be obligated to comply with all requests for service in accordance with its schedules of rates and service rules and regulations on file with the commission and the ORS within areas assigned to it by the commission and within three-hundred feet of its lines as they existed on the date of assignment.

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

103-349. Replacement of Meters.

Whenever a customer requests the replacement of an electric meter on his premises, such request shall be treated as a request for the test on such meter, and, as such, shall fall under the provisions of regulation 103-373.

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

103-350. Service Entrance Changes.

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

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

103-351. Temporary Service.

When the electrical utility renders temporary service to a customer, it may require that the customer bear all the 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.

103-352. Procedures for Termination of Service.

Prior to the termination of electric service pursuant to R.103-342 e.-m., the following procedures shall be employed by the electrical utility.

a. Not less than ten (10) days prior to termination of service, the electrical 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 electrical utility with the authority to accept full payment or make other payment arrangements.

2. The total amount owed by the customer for electrical 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. Section 58-27-2510 et. seq., as amended. All electrical 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 the customer's 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 electric 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 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 electrical 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.

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

b. Not more than two business days prior to termination of service, the electrical utility shall make reasonable efforts either by telephone or in person to contact the customers that are subject to termination of service to notify the customer that the customer's service is subject to termination for non-payment. Alternatively, not more than three business days prior to termination of service, the electrical utility shall notify the customer by mail that the customer is subject to termination of service for non-payment. The

electrical 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 electrical 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 electrical service. The deferred payment plan shall require the affected customer to maintain the customer's account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by regulation 103-339(3). Service to such customer shall not be terminated unless the electrical 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 electrical 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 electrical utility that the customer is unable to make payment in full on the customer's account or to make arrangements for the satisfaction of the balance of the customer's account through a deferred payment plan, the electrical utility shall advise the customer that the customer may wish to call the local social service agency to determine what public or private assistance may be available to the customer.

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

f. The electrical 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. Electric service maybe 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. Electric service may not be terminated on the day preceding any day on which the electric 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 electrical utilities assigned to terminate service shall be authorized to accept payment from customers subject to termination of service or in lieu thereof, at the electrical utility's 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 electrical utility; provided, however, that in certain areas where it has been determined by the electrical 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; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

Subarticle 5

Engineering

103-360. Requirements for Good Engineering Practice.

The electric plant of an electrical utility shall be constructed, installed, maintained and operated in accordance with good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service, and the safety of persons and property.

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

103-361. Acceptable Standards.

Unless otherwise specified by the commission, after hearing if requested, the electrical utility shall use the applicable provisions of the latest edition, Part 2, of the “National Electrical Safety Code”, as minimum standards of accepted good engineering practice.

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

103-362. Acceptable References.

Part 2 of the “National Electrical Safety Code” (latest edition), is considered by the commission to be an acceptable reference.

New additions to Part 2 of the National Electrical Safety Code shall become effective six months after the date of final approval by the American National Standards Institute unless a request for a hearing has been granted by the commission.

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

103-363. Adequacy of Service.

1. Operation of Electrical Utility.

A. Standard Frequency—Each electrical utility supplying alternating current shall adopt a standard frequency of 60 Hertz, suitability of which has been determined by the commission, and shall maintain this frequency within 15 seconds plus or minus of standard at all times during which service is supplied; provided, however, that momentary variations of frequency of more than fifteen seconds which are clearly due to no lack of proper equipment or reasonable care on the part of the electrical utility, shall not be construed a violation of this rule.

B. Standard Voltage—Each electrical utility shall adopt standard average voltage for its different classes of constant voltage service. This voltage maintained at the electrical utility mains shall at all times be reasonably constant, and the variations in voltage from the average shall in no case exceed the limitations as prescribed below.

The voltage variations for service should not exceed 10% above or below the standard average voltage.

A greater variation of voltage than specified above may be allowed when service is supplied directly from the transmission line or in a limited or extended area where customers are widely scattered, and the

business done does not justify close voltage regulation. In such cases, the best voltage regulation should be provided that is practicable under the circumstances.

Variations in the voltage in excess of those specified, caused by the operation of power apparatus on customers' premises which necessarily requires large starting current by the action of the elements, and by infrequent and unavoidable fluctuations of short duration due to station operation, shall not be construed a violation of this rule.

C. Special Equipment—Where a separate transformer or other additional electrical utility standard equipment or capacity is to be used to eliminate fluctuations or other effects detrimental to the quality of service to other customers the electrical utility may make a reasonable charge for the transformer, equipment and line capacity required. In lieu of the above, the electrical utility may require the customer to either discontinue the operation of the equipment causing the disturbance or install the necessary motor generator set or other apparatus to eliminate the disturbance detrimental to the service of other customers.

D. When only one set of overhead service wires (service drop) is required to connect a residential or small non-residential customers to electric service mains, the electrical utility shall provide such service drop including the attachments at the point where service drop wires are attached to customer's premises, which point shall be the point nearest the electrical utility's electric circuit to be used in supplying service to the customer. The customer shall provide "service entrance facilities" including meter loop, entrance switch or circuit breaker, and service entrance conductors complying with rules of the electrical utility from the point of attachment of the electrical utility's service drop on the customer's premises. The customer shall provide a substantial point of attachment for service drop wires. This provision does not apply to large non-residential or industrial customers' connections as they vary so greatly that each requires special consideration. When service to the customer requires individual electrical utility company facilities (such as oil circuit breakers, transformers, etc.), to be located on customer's premises on the ground or in a vault, the customer shall provide a suitable, adequate and readily accessible space for such facilities and shall insure access at all times. Electrical utility property installed on a customer's premises shall remain property of the electrical utility and may be removed for testing, repairs, changes in service or other conditions justifying change or removal.

E. For substations erected to serve an individual customer, the electrical utility shall provide either suitable supports on the substation structure or a suitable structure outside and immediately adjacent to its substation property line to which the customer shall extend his facilities. The customer in addition shall install, or cause to be installed, all facilities beyond the point of delivery thus established. When required by the electrical utility, the customer shall install one set of main disconnecting switches which shall control all of the customer's load other than a fire pump circuit, if any.

F. The meter installation of the electrical utility may include enclosures that may be locked by the electrical utility and not accessible to the customer.

2. Voltage Surveys and Records.

A. Each electrical utility shall provide itself with suitable indicating and/or recording voltmeters, and shall make a sufficient number of voltage tests periodically so as to insure compliance with the voltage requirements cited above. These tests shall be made at appropriate points upon the electrical utility's distribution lines.

B. Each electrical utility shall have installed at its generating stations suitable instruments to indicate the frequency and voltage of the service rendered from that station, together with the load or loads demanded in each such station. Each electrical utility shall keep a station record at attended stations which

shall show: (1) the time of starting and shutting down the generating units; (2) readings of such instruments as necessary; and (3) all interruptions to service affecting bus bars or distribution systems, with the time, duration, and the cause (when known) of the interruption.

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

Subarticle 6

Inspections and Tests

103-370. Electrical Utility Inspection and Tests.

Each electrical 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 or requested by the ORS or as may be approved or ordered by the commission.

1. All electric meters shall be tested and calibrated under the applicable periodic or sample testing plan as prescribed by the American National Standards Institute (ANSI) Standard C12 - Code for Electricity Metering. Results from sample-tested meters shall be communicated to the ORS on an annual basis.

2. Meter Testing on Request of Customers.

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

B. No deposit or payment shall be required from the customer for such meter test except when a customer requests a meter test within one year after date of installation or the last previous test of a meter, in which case the customer shall be required upon request by the electrical utility to deposit the estimated cost of the test, but not to exceed \$15.00 without approval of the commission. The amount so deposited with the electrical utility shall be refunded or credited to the customer, if the meter is found, when tested, to register more than 2% fast or slow, otherwise the deposit shall be retained by the electrical utility.

C. A customer may request to be present when the electrical utility conducts the test on the customer's meter, or if the customer desires, may send a representative appointed by the customer. The electrical 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 kept by the electrical utility.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

103-371. ORS Inspections and Tests.

The ORS shall make tests of meters as follows:

a. Upon written request to the commission or ORS by a customer or an electrical utility, a test will be made of the customer's meter as soon as practicable.

b. On receipt of such request, the ORS shall notify the electrical utility, and the electrical utility shall not knowingly remove or adjust the meter until instructed by the ORS. The ORS shall supervise the test of the meter, using the standard approved by the commission with such standard being compared with the electrical utility's standard. The results of the test shall be made available to the customer.

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

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

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

103-372. Facilities and Equipment for Testing.

A. Each electrical utility furnishing metered electric service shall, unless specifically excused by the commission, provide and have available such meter laboratory, standard meters, instruments and facilities as may be necessary to make the tests required by these rules or other orders of the commission or as requested by the ORS, together with such portable indicating electrical testing instruments, watt-hour testing meters, and facilities of suitable type and range for testing service watt-hour meters, voltmeters and other electrical equipment, used in its operation, as may be deemed necessary and satisfactory to the commission or the ORS.

B. All portable indicating electrical testing instruments such as voltmeters, ammeters and wattmeters, when in regular use for testing purposes, shall be checked against suitable reference standards whenever used in testing service meters of the electrical utility.

C. When the size of the electrical utility is such that it is more economical to contract for meter testing, such procedure is authorized provided the contract work is done by a recognized meter testing laboratory.

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

103-373. Test Procedures and Accuracies.

1. Method of Determining Average Error of Meters.

A. Field testing the average error of a service watt-hour meter shall be determined as follows: The error at Light Load, here defined as approximately 10% of the rated capacity (Test Amperes) of the meter, shall be determined by taking the average of at least two errors determined from as many separate tests on the same Light Load, which error must agree within one-half percent (1/2 %).

In the same manner, the error at Full Load, here defined as approximately the rated capacity (Test Amperes) of the meter, shall be determined. The average error of the meter shall then be determined by

taking the average error at Light Load plus four times the error at Full Load (Test Amperes) and dividing this sum by five, proper consideration being taken of the sign of the two errors.

B. Meter Shop Testing—When an electronic test board is used, the average error of a watt-hour meter shall be determined as follows: The error at Light Load, here defined as approximately 10% of the rated capacity (Test Amperes) of the meter, shall be determined. The error at Full Load, here defined as approximately the rated capacity of the meter or Test Amperes, shall be determined. The average error of the meter shall then be determined by taking the error at Light Load plus four times the error at Full Load (Test Amperes) and dividing this sum by five, proper consideration being taken of the sign of the two errors.

2. Meter Accuracy.

A. Creeping: No watt-hour meter which registers on “no load” when the applied voltage is less than one hundred and ten (110%) percent of standard service voltage shall be placed in service or allowed to remain in service.

B. Initial Accuracy Requirements—No watt-hour meter shall be in service which is in any way defective to impair its performance, or which has incorrect constants, or which has not been tested individually or under a sample meter testing plan approved by the commission for accuracy of measurement and adjusted, if necessary, to meet these requirements at unity power factor:

Average error not over 0.5% plus or minus;

Error at Full Load (Test Amperes) not over 0.5% plus or minus;

Error at Light Load not over 1.0% plus or minus.

C. Adjustment After Test—Whenever a test made by an electrical utility, contract vendor by or on behalf of the electrical utility or by the ORS on a service watt-hour meter connected in its permanent position in place of service shows that the average error is greater than that specified allowed above, the meter shall be adjusted to bring the average error within the specified initial accuracy limits, or the meter shall be replaced.

3. Test Instruments.

Each electrical utility shall own and maintain such standard watt-hour meters, such instrument transformers, voltmeters, ammeters and such other instruments necessary in maintaining the accuracy of its standards used in testing the meters serving its customers.

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

Subarticle 7

Standards and Quality of Service

103-380. Quality of Service.

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

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

103-381. Interruption of Service.

A. Each electrical utility shall make all 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 of 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 a reasonable attempt to give adequate notice to those who will be affected.

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

103-382. Restrictions on the Use of Service.

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

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

C. If an electrical utility finds that it is necessary to restrict the use of electric service, it shall notify its customers and give the commission written notice, except in emergencies, before such restriction becomes effective. Such notification shall specify:

1. The reason for restriction.
2. The nature and extent of the restriction, i.e., amount and time 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.

D. The electrical utility shall not be required to furnish service to customers whose equipment is operated in such manner as to cause unreasonable voltage fluctuations on the electrical utility's circuits, which fluctuations are detrimental to service to other customers.

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

103-383. Special Tests.

The electrical utility shall conduct such special and regular tests of its generating transmission and distribution plant as will enable the electrical utility to provide the best service possible at the most reasonable cost to the customers of the electrical utility.

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

Subarticle 8

Safety

103-390. Acceptable Standards.

As criteria of accepted good safety practice of the electrical utility, the commission shall use the applicable provisions of the standards listed in regulation 103-361.

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

103-391. Protective Measures.

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

B. The electrical utility shall give reasonable assistance to the ORS in the investigation of the cause of incidents and shall give reasonable assistance to the commission and the ORS in the determination of suitable means of preventing incidents.

C. Each electrical utility shall maintain a summary of all reportable incidents arising from its operations. (See regulation 103-315.)

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

103-392. Safety Program.

Each electrical utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

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 an electrical emergency to the appropriate officials.

HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; SCSR 48-5 Doc. No. 5177, eff May 24, 2024.

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.