Columbia, SC – Public interest efforts to hold South Carolina Electric and Gas (SCE&G) accountable for massive cost overruns of the failed V.C. Summer nuclear project will proceed this week in a formal hearing before the South Carolina Public Service Commission (PSC).

On Wednesday, December 13, the PSC will hear SCE&G’s “motion to dismiss” a complaint filed by Friends of the Earth and the Sierra Club shortly before the project collapsed. The FOE/Sierra Club complaint - filed on June 22, over a month before the project was officially terminated on July 31 - seeks to review past cost-overrun “prudency” decisions by the PSC, seeks to recover money for ratepayers and aims to require SCE&G to explore least-cost energy methods, such as demand-side management, conservation, efficiency and alternative energy.

The lawyer for Friends of the Earth and the Sierra Club, Bob Guild, will argue that the complaint must not be dismissed and that it proceed to a formal PSC hearing to review the merits of the issues at hand. FOE/Sierra Club have already, in theory, agreed that its case (Docket 2017-305-E) could be consolidated into any SCE&G abandonment docket once such docket is filed, as long as the matters raised in the FOE/Sierra Club complaint can be pursued in the SCE&G abandonment docket.

“We are prepared to fight to defend the interest of our members and of the public to fully review past cost overrun decision for the failed nuclear project and to recover money for SCE&G customers that was wasted on the project,” said Tom Clements, senior adviser with Friends of the Earth. “It is only through our complaint that a review of prudence of past PSC decisions will take place. We are seeking a review of decisions from the very first project approval in 2009 to the last massive cost overrun approval in November 2016, which is the only way it can be determined just how much money should be disallowed and how much should be refunded to ratepayers,” said Clements. Friends of the Earth intervened in the very first docket on the project (Docket 2008-196-E) in 2008.
Though tardy in responding to a document “discovery” request by FOE/Sierra Club, a first tranche of documents was received from SCE&G on December 1 and the documents, mostly emails and letters between SCE&G and Santee Cooper and Westinghouse, are now being reviewed. In an initial assessment, it appears that the response is lacking in its compliance with requested documents and the PSC order of November 1 that directed SCE&G to comply with discovery. (https://dms.psc.sc.gov/Attachments/Order/44ad504a-bbda-4c5b-9fd1-098225ac326f).

While it is unknown when an abandonment docket will be heard before the PSC, FOE/Sierra Club will be ready to defend the interest of their members and the public at large. Expert witness Dr. Mark Cooper, who testified for the Sierra Club before the PSC in a 2012 proceeding and who then presented evidence that the project should be abandoned, is ready to submit testimony for the record.

It is expected that the Office of Regulatory Staff, a party to all proceedings at the PSC, will continue to support FOE/Sierra Club’s pursuit of a formal hearing on prudency decisions. On December 12, the PSC will hear SCE&G’s motion to dismiss the ORS docket seeking rate relief for SCE&G customers - removal of the 18% of the bill now going to fund the failed project.

On the afternoon of December 11, the PSC staff sent out a diagram of where parties would sit at both the December 12 hearing (ORS docket 2017-305-E), to which FOE/Sierra Club is an intervenor, and on December 13 (Docket 2017-207-E). Diagrams available on request.

Notes:


Agenda emailed from PSC staff, for hearing on December 13 - each party initially will have 15 minutes, with SCE&G then allowed to respond to comments of “respondent” and “intervenors.”

Commission Staff Member Reading Docket: F. David Butler
Commission Technical Advisor: James E. Spearman

DOCKET NO. 2017-207-E

Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent (Oral Arguments on SCE&G Motion to Dismiss)
December 13, 2017
10:30 A.M.

I. MOVANT: ATTORNEYS:
South Carolina Electric & Gas Company K. Chad Burgess (Brief) Belton T. Zeigler
II. RESPONDENTS:
Friends of the Earth and Sierra Club (Brief) Robert Guild

III. INTERVENORS:
A. South Carolina Coastal Conservation League J. Blanding Holman, IV

(Brief)

B. Electric Cooperatives of South Carolina, Incorporated Christopher R. Koon
Central Electric Power Cooperative, Incorporated Frank R. Ellerbe, III
John H. Tiencken, Jr.
Michael N. Couick
Christopher S. McDonald

Ensor, Tim Higgins, Jim Emery, Scott Turner, Gerald
Ziegler, Steve C. Anderson, Lester Dempsey, W. Andrew Gowder, Jr. Larry Hargett, Martin Karl
Sessler, Peggy Bangle, Joseph Meehan, David Messinger, Henry Proctor, Ashley Nicole Croy,
Glenda Bolyn, Eugene Lemieux,
Martin Boyle, Judith Marshall, Christian Beiler, James
McDonald, the Dorchester County Republican Party,
Dorchester County Taxpayers Association

D. Wiley Johnson, Christine Czarnik James R. Davis

IV. OFFICE OF REGULATORY STAFF: Shannon Bowyer Hudson Jeffrey M. Nelson