



# South Carolina

## State Guide to Utility Energy Efficiency Planning

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## South Carolina

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### I. South Carolina Utility Landscape

#### A. Utilities in South Carolina

In South Carolina, three types of electricity providers sell electric power to retail customers: Investor-owned utilities (IOUs), electric membership corporations (cooperatives), and municipally owned utilities. The following chart shows the number of each of these types of providers, along with the percentage of South Carolina’s electricity customers served by each:

**Electric Utilities in South Carolina**

Type of Provider	Quantity	Percentage of AR Electricity Customers Served
Investor-Owned Utilities	4	56%
Electric Membership Corporations	21	30%
Municipal Utilities	14	7%
Other (State-Owned)	1	7%

Source: U.S. Energy Information Administration, Form EIA-861, [2018 Annual Electric Power Industry Report](#)

Over half of South Carolina’s electricity customers are served by three vertically integrated IOUs—Duke Energy Carolinas, Duke Energy Progress, and Dominion South Carolina Power (previously South Carolina Electric and Gas).<sup>1</sup> These three IOUs are the largest utilities in the state in terms of customers served, amount of electricity sold, and revenue. Information on the five largest utilities in South Carolina is provided in the chart below:

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<sup>1</sup> Lockhart Power Company is the fourth, smallest IOU in the state with 202,330 MWh in sales. For the purposes of this profile, we will only address the three largest IOUs with the most impact on energy efficiency in the state.

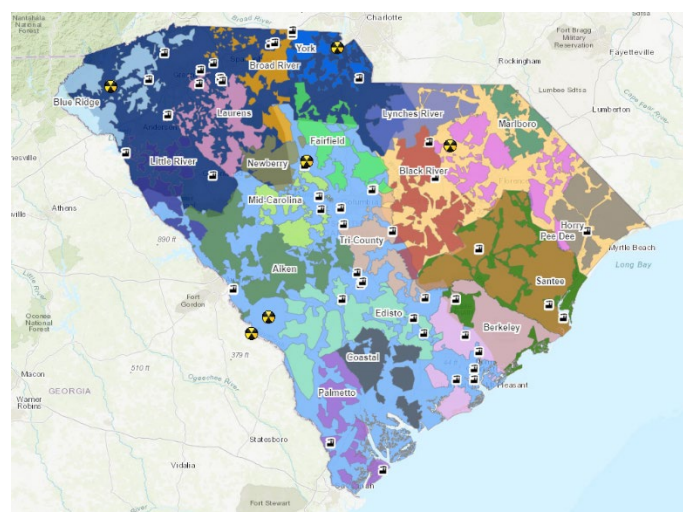
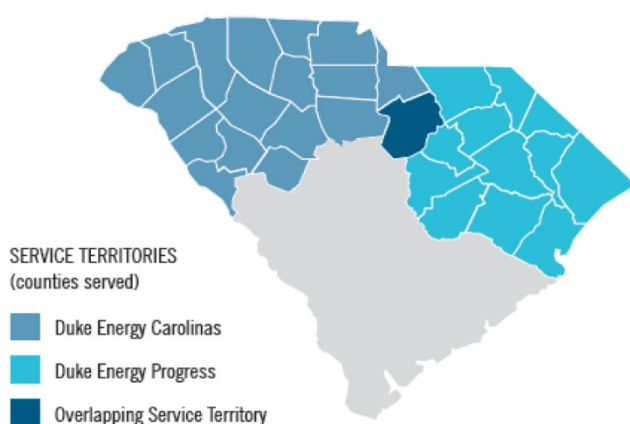
### Five Largest Utilities in South Carolina by Sales

Utility Name	Type of Provider	Revenue (Thousand USD)	Sales (MWh)	Number of Customers	Average Price (cents/kWh)
Dominion SC	IOU	2,307,804.0	22,657,235	726,679	10.19
Duke Energy Carolinas (SC)	IOU	1,751,298.8	21,822,403	591,113	8.03
Santee Cooper (SC Public Service Authority)	State	674,492.0	8,458,687	185,144	7.97
Duke Energy Progress (SC)	IOU	591,823.2	6,465,697	169,208	9.15
Berkeley EMC	Cooperative	317,815.0	3,044,262	100,139	10.44

Source: U.S. Energy Information Administration, Form EIA-861, [2018 Annual Electric Power Industry Report](#)

### Service Territories for IOUs and Cooperative Utilities in South Carolina

#### South Carolina Service Area



Duke Energy service territories are shown in the image on the left. The light blue in the image on the right represents Dominion Energy South Carolina (previously SCE&G). Image Sources.<sup>2</sup>

<sup>2</sup> Image 1 (left) source: Duke Energy Allowable ex parte briefing, August 14, SCPSC Docket No. 2019-208-E. [Image 2 \(right\) source.](#)

## II. General Information

The Public Service Commission of South Carolina (PSC or the commission) is the state administrative agency charged with regulating South Carolina’s public utilities. The commission has the power to regulate utility rates and to set standards, regulations, and practices of all public utilities in the state.<sup>3</sup> The commission’s powers do not apply to electric utility companies operated by a municipality or other consolidated political subdivision.<sup>4</sup> The commission’s purpose is to “to serve the public of South Carolina by providing open and effective regulation and adjudication of the state’s public utilities, through consistent administration of the law and regulatory process.”<sup>5</sup> Functionally, the commission is comprised of seven commissioners and a support staff, as well as the Office of Regulatory Staff (ORS) and the State Energy Office (SEO), which are separate and independent agencies supporting the commission. The ORS advocates on behalf of consumers in all commission proceedings, and the SEO aims to improve energy efficiency and environmental quality throughout the state. The SEO does not regulate utilities.

### A. Relationship with State Legislature

The commission derives its authority from an enabling statute passed by the South Carolina General Assembly. Act 662 of 1878 created the state’s first utility commission for railroads. Act 286 of 1910 created a separate public utility commission that was authorized to set “maximum rates and charges for the supply of water, gas or electricity furnished by any person, firm or corporation to such city and the inhabitants thereof, such rates to be reasonable and just.”<sup>6</sup> Act 533, passed in 1922, combined the two commissions and added a seventh commissioner to create the current commission structure. Act 970 in 1934 renamed the body “The Public Service Commission.”<sup>7</sup> The general assembly may expand, limit, or alter the commission’s authority by statute. Commission activities are also subject to oversight by several legislative committees, namely the State Regulation of Public Utilities Review Committee.

The State Regulation of Public Utilities Review Committee, created by Act 175 in 2004, is made of six members of the General Assembly and four representatives of the general public.<sup>8</sup> The committee’s duties include nominating candidates to the PSC and the executive director of the ORS, evaluating the actions of the commission and the performance of the ORS, and submitting an annual report on

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<sup>3</sup> SC Code of Laws § 58-3-140 and § 58-27-20—40. This profile focuses only on the electricity sector, though the PSC also regulates natural gas, telecommunications, transportation, water, and wastewater utilities. The Commission has broad authority over IOUs and much more limited authority over the state’s electric membership corporations (cooperatives) and municipally owned utilities; for the purposes of this profile, we will focus on the Commission’s regulation of IOUs.

<sup>4</sup> SC Code of Laws § 58-27-20.

<sup>5</sup> [SC PSC Mission Statement](#).

<sup>6</sup> [Act 286](#).

<sup>7</sup> SC PSC [About Us, History](#)

<sup>8</sup> [State Regulation of Public Utilities Review Committee](#), SC Code of Laws § 58-3-510—580

the state energy action plan of the SEO.<sup>9</sup> The committee also handles matters involving the state-owned utility Santee Cooper as well as several areas of regulation under Acts 236 and 284, including distributed energy resources, renewables, and broadband.<sup>10</sup>

## B. Commission Structure

The commission is comprised of seven commissioners that are elected by the general assembly. Commissioners serve for staggered four-year terms, with no limit on the number of consecutive terms a commissioner may serve. The commission does not require bipartisan representation and elects its own chairperson every two years; the chairperson acts as the chief executive and administrative officer of the commission. Commissioner qualifications include a degree of advanced education and an expertise in one of the regulated fields.<sup>11</sup> The commission maintains a support staff of approximately thirty employees. The three largest divisions are: public utility analysts, clerk's office, and legal staff.<sup>12</sup> The table below lists South Carolina's current utility commissioners:

**South Carolina Utility Commissioners**

Name	District	Term Start	Term End	Contact
Comer H. "Randy" Randall (NP) <i>Chairman</i>	3	07/01/13	06/30/20	803-896-5259 <a href="mailto:Commissioner.Randall@psc.sc.gov">Commissioner.Randall@psc.sc.gov</a>
Justin T. Williams (NP) <i>Vice Chairman</i>	6	07/01/18	06/30/22	803-896-5180 <a href="mailto:Commissioner.Williams@psc.sc.gov">Commissioner.Williams@psc.sc.gov</a>
John E. "Butch" Howard (I) <i>Commissioner</i>	1	03/04/04	06/30/20	803-896-5180 <a href="mailto:Commissioner.Howard@psc.sc.gov">Commissioner.Howard@psc.sc.gov</a>
Florence P. Belser (I) <i>Commissioner</i>	2	02/19/19	06/30/22	803-896-5180 <a href="mailto:Commissioner.Belser@psc.sc.gov">Commissioner.Belser@psc.sc.gov</a>
Thomas J. "Tom" Ervin (R) <i>Commissioner</i>	4	07/01/18	06/30/22	803-896-5259 <a href="mailto:Commissioner.Ervin@psc.sc.gov">Commissioner.Ervin@psc.sc.gov</a>
Swain E. Whitfield (I) <i>Commissioner</i>	5	07/01/08	06/30/20	803-896-5259 <a href="mailto:Commissioner.Whitfield@psc.sc.gov">Commissioner.Whitfield@psc.sc.gov</a>
Gordon O'Neal Hamilton (I) <i>Commissioner</i>	7	03/03/04	06/30/20	803-896-5180 <a href="mailto:Commissioner.Hamilton@psc.sc.gov">Commissioner.Hamilton@psc.sc.gov</a>

<sup>9</sup> SC Code of Laws § 58-3-530.

<sup>10</sup> [South Carolina Legislature, Committee Postings and Reports](#)

<sup>11</sup> S.C. Code of Laws § 58-3-20—40.

<sup>12</sup> [SCPSC Staff Directory](#)



## C. Overview of Commission Proceedings

As noted above, the commission regulates nearly all aspects of service for the four IOUs in South Carolina. The commission regulates utilities individually, such as fixing rates or approving specific utility investments, and collectively, by setting policies that apply across all regulated utilities. The commission typically relies on formal administrative processes to make its regulatory decisions. Proceedings often resemble a trial, in which parties to the proceeding—including utilities and other stakeholders who decide to intervene—offer testimony, submit evidence, and cross-examine opposing parties. Upon the request of any party or commissioner, the commission may employ a hearing officer to serve as a presiding officer in an adjudicative proceeding before the commission. A hearing officer must be an attorney qualified to practice in all South Carolina courts with a minimum of eight years practice experience and may be a commission staff attorney.<sup>13</sup> If a commissioner is absent from or leaves a hearing for fifteen consecutive minutes or longer, the commission must recess the hearing until the commissioner is present, or the commissioner may not participate in the deliberations or vote on the matter.<sup>14</sup> Hearings may be held before one or more commissioners; any ruling, order, or decision must be approved by at least a quorum of the commission.<sup>15</sup> A majority of commissioners (four of seven on a full commission) constitutes a quorum.<sup>16</sup> The commission and its staff are prohibited by law from engaging in ex parte communications with parties to contested cases.<sup>17</sup>

## D. Office of Regulatory Staff

The general assembly created the Office of Regulatory Staff (ORS) through the passage of Act 175 in 2004.<sup>18</sup> The ORS solely is responsible for the inspection, audit, and examination of public utilities and is not subject to the control or direction of the commission.<sup>19</sup> The ORS has the right to inspect the facilities, accounts or documents of any public electric utility at any time.<sup>20</sup> The commission may require periodic written reports by entities subject to its jurisdiction; these reports must also be provided to the ORS; the commission may also request the ORS to inspect, audit, or examine reporting entities.<sup>21</sup> It is the duty of the ORS to represent the public interest in utility regulation, which often manifests in making policy recommendations to the commission, intervening in proceedings affecting utility rates or services, and investigating consumer complaints.<sup>22</sup> If it appears

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<sup>13</sup> SC Code of Laws § 58-3-40(c).

<sup>14</sup> SC Code of Laws § 58-3-225.

<sup>15</sup> SC Code of Laws § 58-27-2020.

<sup>16</sup> SC Code of Laws § 58-3-90.

<sup>17</sup> SC Code of Laws § 58-3-260.

<sup>18</sup> [Act 175, 2004](#)

<sup>19</sup> SC Code of Laws § 58-3-60(c)(d) and § 58-4-20(b).

<sup>20</sup> SC Code of Laws § 58-27-190.

<sup>21</sup> SC Code of Laws § 58-3-190—200.

<sup>22</sup> SC Code of Laws § 58-4-50.

that an electric utility under the commission’s jurisdiction is failing or omitting to act according to commission orders, an action shall be prosecuted in a court of law in the name of the ORS.<sup>23</sup>

The head of the ORS is the executive director, who is nominated by the State Regulation of Public Utilities Review Committee and approved by the governor for a term of six years.<sup>24</sup> The executive director must be an attorney qualified to practice in the state with a minimum of eight years of experience in practice.<sup>25</sup> The executive director hires, supervises, and directs all ORS personnel.<sup>26</sup> In commission proceedings, the Office of Regulatory Staff has the same rights as any other party.

The Office of Regulatory Staff is organized into departments including utility rates and services, energy efficiency and renewables, energy operations, and energy policy.<sup>27</sup>

#### South Carolina Office of Regulatory Staff

Nanette Edwards <i>Executive Director</i>	803-737-0575 <a href="mailto:NEdwards@ors.sc.gov">NEdwards@ors.sc.gov</a>
Dawn Hipp <i>Chief Operating Officer</i>	803-737-0814 <a href="mailto:DHipp@ors.sc.gov">DHipp@ors.sc.gov</a>
Jeff Nelson <i>Chief Legal Officer</i>	803-737-0823 <a href="mailto:JNelson@ors.sc.gov">JNelson@ors.sc.gov</a>
Mark Rhoden <i>Chief Financial Officer</i>	803-737-1108 <a href="mailto:MRhoden@ors.sc.gov">MRhoden@ors.sc.gov</a>
Ryder Thompson <i>Utility Rates and Services</i>	803-737-0664 <a href="mailto:RThompson@ors.sc.gov">RThompson@ors.sc.gov</a>
Robert Lawyer <i>Energy Efficiency and Renewables</i>	803-737-0584 <a href="mailto:RLawyer@orsregstaff.sc.gov">RLawyer@orsregstaff.sc.gov</a>

Source: [National Association of Regulatory Utility Commissioners](#)

### III. State Energy Office

The State Energy Office (SEO) is housed within the ORS but acts as an individual entity. Established in 1995, the SEO is charged with developing and maintaining the Plan for State Energy Policy. The SEO also provides resources to assist South Carolinians in saving energy and improving environmental quality through increased efficiency and access to information. The SEO offers

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<sup>23</sup> SC Code of Laws § 58-27-210.

<sup>24</sup> SC Code of Laws § 58-3-530(b) and § 58-4-40.

<sup>25</sup> SC Code of Laws § 58-4-30.

<sup>26</sup> SC Code of Laws § 58-4-20(a).

<sup>27</sup> Office of Regulatory Staff, [Staff Directory](#)

technical and financial assistance, workshops, informational materials, project grants, loans, and rebates.<sup>28</sup>

## IV. Existing State Policies for Energy Efficiency

### A. Incentives for Energy Efficiency

#### i. *Energy Efficiency Resource Standards*

South Carolina does not currently have a resource standard for energy efficiency.

#### ii. *Performance Incentives, Cost Recovery, Lost Revenue Recovery*

The commission is statutorily authorized to adopt procedures that encourage electric utilities to invest in cost-effective energy efficient and energy conservation technologies and programs. The statute further provides that if the commission chooses to adopt such procedures, they must include program and administrative cost recovery, lost revenue recovery, and performance incentives.<sup>29</sup>

The commission first authorized a mechanism allowing for the recovery of lost revenues due to energy efficiency (EE) and demand-side management (DSM) programs in 2008 for Duke Energy Progress.<sup>30</sup> In 2010, the commission approved a lost revenue recovery mechanism proposed by South Carolina Electric & Gas Company.<sup>31</sup> Duke Energy Progress's and South Carolina Electric & Gas Company's rate riders include shared savings incentives based on the net present value of each energy efficiency program using the Utility Cost Test.<sup>32</sup> Mechanisms for both Duke Energy Progress and SCE&G were reauthorized in 2013.

The commission has also approved a mechanism allowing Duke Energy Carolinas to adjust rates to recover lost revenue. Duke Energy Carolinas's first cost recovery mechanism under the Save-A-Watt program was approved in 2010. This mechanism allowed the company to recover up to 75% of annual avoided capacity cost savings from DSM programs, 55% of avoided cost savings from energy efficiency, and lost revenues for EE programs.<sup>33</sup> New cost recovery mechanisms were established in a 2013 settlement agreement, under which the company can recover all reasonable and prudent costs related to the adoption and implementation of new DSM and EE programs, net lost revenues for EE programs for a maximum of three years or the life of the measure, and an incentive of 11.5%

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<sup>28</sup> [South Carolina Energy Office](#)

<sup>29</sup> SC Code of Laws § 58-37-20

<sup>30</sup> SCPSC Docket No. 2008-251-E.

<sup>31</sup> SCPSC Docket No. 2009-261-E.

<sup>32</sup> SCPSC Docket No. 2009-261-E, Settlement Agreement, Sections 29-35.

<sup>33</sup> SCPSC Docket No. 2009-229-E, Order No. 2010-79.



of the net benefits achieved through EE and DSM programs.<sup>34</sup> For all utilities, lost revenues are estimated prospectively and are trued-up annually based on actual rates and energy savings data.

#### Cost Recovery Mechanisms

Utility	Description	SCPSC Docket
Duke Energy Carolinas	<ul style="list-style-type: none"> <li>11.5% portfolio performance incentive</li> <li>Allows for recovery of direct program costs and net lost revenues</li> </ul>	2013-298-E (2013)
Duke Energy Progress	<ul style="list-style-type: none"> <li>11.75% portfolio performance incentive</li> <li>Allows for recovery of direct program costs and net lost revenues</li> </ul>	2015-163-E (2015)
Dominion South Carolina Power	<ul style="list-style-type: none"> <li>9.9% program performance incentive</li> <li>Shared savings model</li> <li>Allows for recovery of direct program costs and net lost revenues</li> </ul>	2019-239-E (2019)

## B. Cost-Effectiveness Testing

The commission requires that energy efficiency programs be cost-effective in order for programs to be approved and costs to be recovered. The commission, with assistance from ORS, administers portfolio-level cost-effectiveness evaluations annually. The commission does not specify how utilities should conduct cost-effectiveness evaluations and does not currently require the use of a Technical Reference Manual (TRM). Independent third parties conduct evaluation, measurement, and verification (EM&V) evaluations for each IOU annually. South Carolina specifies the Utility Cost Test (UCT) to be its primary test for decision-making and does not account for non-energy benefits. ORS also uses the Ratepayer Impact Measure (RIM) and Total Resource Cost (TRC) tests for further analysis.<sup>35</sup>

## C. Program Participation

By statute, customers situated on privately-owned industrial properties are eligible to opt-out of certain utility services or regulations, meaning that the customer will not pay into EE or DSM programs and will not receive any of those program benefits.<sup>36</sup> Established in Duke Energy Carolinas's EE Rider, commercial customers with more than 1,000,000 kWh annual energy consumption may choose to opt out of the utility's energy efficiency programs and correlating rider.<sup>37</sup> Dominion Energy South Carolina also provides the opportunity for industrial opt-out in its

<sup>34</sup> SCPSC Docket No. 2013-298-E, Revised Settlement Agreement, 7 November 2013.

<sup>35</sup> [Database of State Efficiency Screening Practices](#)

<sup>36</sup> SC Code of Laws § 58-3-240.

<sup>37</sup> SCPSC Docket No. 2018-72-E page 60.

EE/DSM Rider.<sup>38</sup> Duke Energy Progress adopted Duke Energy Carolinas' opt out policies in the settlement agreement approved in 2015.<sup>39</sup> Approximately 50% of eligible load across the state is opted-out.<sup>40</sup>

Pursuant to the South Carolina Code of Laws Title 58 Chapter 37 Section 50, utilities may offer financing for energy efficiency measures. The code includes provisions for the tariffed on-bill model of financing and may be applied to rental properties.<sup>41</sup> As of October 2019, no South Carolina utility offers a tariffed on-bill program for energy efficiency. Several electric cooperatives and Santee Cooper offer financing for energy efficiency measures through a loan program.

## **D. Distributed Resource Energy Program**

Any regulated electric utility in the state may apply for approval to participate in the state's distributed energy resource (DER) program. Once a utility is approved, it may recover reasonably and prudently incurred costs related to the program. A utility may invest in DERs or programs beyond what is approved under the state DER program and may recover those costs under general ratemaking principles and procedures.<sup>42</sup> The commission approved the applications of DEC, DEP, and SCE&G for DER Programs and associated cost recovery mechanisms in 2015.<sup>43</sup>

## **E. The Energy Freedom Act of 2019**

The Energy Freedom Act (Act 62), passed in May 2019, made several changes to the role of ORS, consumer rights, net metering rules, and resource planning. Act 62 establishes utility customer rights and directs the ORS to develop consumer protection regulations in collaboration with the Department of Consumer Affairs. It also explicitly directs the commission to protect consumers from rising costs and to provide opportunities to manage their own energy usage. Additionally, Act 62 grants customers the right to electric rates that enable energy efficiency, demand response, or onsite DERs to reduce their electricity consumption and the right to obtain and use data collected by a utility on their individual energy consumption and to sharing that data with a third-party vendor.<sup>44</sup> Act 62 also alters utility long-term planning processes, discussed below under "Integrated Resource Planning." Many dockets have been opened to address the potential programmatic, administrative, and planning changes resulting from the passage of Act 62.

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<sup>38</sup> Dominion Energy SC, [Rider to Retail Rates](#)

<sup>39</sup> SCPSC Docket No. 2015-163-E.

<sup>40</sup> ACEEE, [South Carolina Scorecard](#), 2016

<sup>41</sup> SC Code of Laws § 58-37-50.

<sup>42</sup> SC Code of Laws § 58-39-130.

<sup>43</sup> SCPSC Docket Nos. 2015-55-E, Order 2015-515; 2015-53-E, Order 2015-514; 2015-54-E, Order 2015-512; 15 July 2015.

<sup>44</sup> [Summary of the Energy Freedom Act](#)

## V. Utility Energy Efficiency Planning Process

This section provides an overview of the processes and timelines by which utilities develop, obtain regulatory approval for, and administer their energy efficiency programs. It also discusses the requirements and opportunities for third-party stakeholders to intervene or otherwise engage in each part of this planning process.<sup>45</sup> All public electric utilities in the state and the South Carolina Public Service Authority (Santee Cooper) must engage in integrated resource planning.<sup>46</sup> Most large utilities in the state operate DSM and EE programs, although such programs are not required in South Carolina.

### A. Formal Proceedings Before the Commission

#### iii. *Integrated Resource Planning*

South Carolina's regulated investor-owned electric utilities (IOUs) are required to file integrated resource plans (IRPs) triennially, accompanied by annual updates. IOUs file plans with the commission while electric cooperatives and municipal utilities submit plans to the State Energy Office. The SEO evaluates and comments on the environmental and economic consequences of each IRP and coordinates the development of a statewide IRP.<sup>47</sup> Utilities must consider energy efficiency in their IRPs, which then informs the subsequent energy efficiency program plan filings.

The Energy Freedom Act expanded the traditional IRP process by establishing required contents and reporting requirements. As of 2019, utilities must consider multiple alternative future scenarios in their IRPs that evaluate demand- and supply-side resources, storage, and other available technologies and services. Modeled scenarios must include a variety of cases from low to high levels of energy efficiency, renewable energy, cogeneration, and demand response. The IRP must also forecast peak demand and the utility's plan for achieving a reduction of peak demand. The act identifies ORS as the entity responsible for reviewing annual IRP updates and revisions and making recommendations to the commission.<sup>48</sup> The most recent IRP cycle concluded in 2018.<sup>49</sup>

#### iv. *Approval of New DSM and EE Programs*

Utilities must submit EE and DSM programs for approval from the commission. Once the programs are approved, the utility can recover program costs via a rider. Most of these programs are filed along with a rider application or through the IRP process but utilities may also file applications for individual programs.

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<sup>45</sup> Other SCPSC proceedings can also affect utility EE programs. For instance, as part of the merger of Duke Energy Carolinas and Progress Energy in 2011, the South Carolina PSC approved a settlement agreement between the utility and clean energy groups that required the utility to increase its EE investments through 2018.

<sup>46</sup> SC Code of Laws § 58-37-40.

<sup>47</sup> SC Code of Laws § 58-37-40.

<sup>48</sup> [Summary of the Energy Freedom Act](#)

<sup>49</sup> SCPSC Docket Nos. 2018-10-E (DEC), 2018-8-E (DEP), 2018-9-E (SCE&G).

The commission must report annually to the general assembly the demand-side activities and power purchase agreements of its regulated utilities; the State Energy Office must compile and submit a similar annual report on the demand-side activities of electric cooperatives, municipal utilities, and Santee Cooper.<sup>50</sup>

v. *Cost Recovery Rider for DSM and EE Measures*

South Carolina electric utilities may recover energy efficiency and demand-side management (DSM) investments outside of a general rate case through the addition of a rider to electricity rates. The rider is established in annual proceedings in dockets unique to individual utilities; the rider includes prospective lost revenue recovery and is trued-up annually. The first EE and DSM riders were approved in 2008, 2009, and 2010, for Duke Energy Progress, SCE&G, and Duke Energy Carolinas, respectively.<sup>51</sup>

vi. *Avoided Cost Proceedings*

Every two years, IOUs in South Carolina must file avoided cost dockets with the commission. Avoided costs are costs that a utility would have incurred through power purchase agreements or building additional generation capacity if it had not invested in DERs or DSM and/or EE programs.<sup>52</sup> Avoided costs are recoverable by utilities as an incremental cost of an approved DER Program.<sup>53</sup> After the passage of the Energy Freedom Act, dockets were opened to assess updating the avoided cost methodologies of the three IOUs.<sup>54</sup>

## **B. Opportunities for Third Party Engagement**

i. *Formal Proceedings*

Generally, the only way that third parties can engage in formal proceedings before the commission is to intervene in the proceedings. Any party with a reasonable interest in a proceeding may file a petition to Intervene to become a formal intervenor. To file, a petitioner must disclose why they feel they have a right to intervene, on what grounds they propose to intervene, and their position in the proceeding.<sup>55</sup> Deadlines for petitions for intervention and subsequent filings are established at the beginning of each proceeding in a scheduling order but generally follow an informal schedule, described below.

- IRP Proceedings: the commission shall establish a procedural schedule in the docket after the initial IRP filing. Initial comments on triennial IRP filings are due typically within 150 days

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<sup>50</sup> S.C. Code of Laws § 58-37—30.

<sup>51</sup> SCPSC Docket Nos. 2008-251-E, 2009-261-E, and 2010-299-E.

<sup>52</sup> SC Code of Laws § 58-39-120—130.

<sup>53</sup> SC Code of Laws 58-27-865.

<sup>54</sup> SCPSC Docket Nos. 2019-184-E (SCE&G), 2019-185-E (DEC), 2019-186-E (DEP).

<sup>55</sup> SC Code of Regulations Article 8, Sections 103-804 and 103-825.3.

of filing; reply comments are due fourteen days after initial comments. The deadline to petition to intervene in an IRP proceeding is generally thirty days after the initial filing and comments are due thirty days after the grant of petition. IRP proceedings are quasi-judicial in nature; intervenors may submit a proposed IRP for consideration by the commission as well as any other formal evidence; intervenors may also offer testimony at evidentiary hearings. The commission generally holds at least one public hearing during each proceeding to hear testimony from interested members of the public. The commission shall issue a final order accepting, modifying, or rejecting the IRP no later than 300 days from the plan being filed.

- Approvals of DSM/EE Programs and Related Riders: Petitions to intervene are generally due thirty days after the application for approval is filed; comments are due about thirty days after the petition deadline. Intervenors may file comments recommending changes to, approval of, or disapproval of programs and associated riders; an intervenor may also identify areas that may warrant further investigation and may submit direct testimony and exhibits from expert witnesses during hearings.<sup>56</sup>

## *ii. Other Means of Engagement*

Ex parte rules dictate that commissioners, hearing officers, or commission staff shall not communicate, directly or indirectly, with any third party regarding any issue in a current or reasonably expected commission proceeding.<sup>57</sup> A member of the public, or any third party, may engage in allowable ex parte briefings with the commission provided that the commissioner, hearing officer, or staff member reasonably believes that no party will gain a procedural or tactical advantage as a result of the communication.<sup>58</sup> Allowable ex parte hearings must be open to the public and overseen by the ORS<sup>59</sup> and must follow procedure.<sup>60</sup> Contact information for the ORS and South Carolina's current public service commission are located on pages 5 and 7 of this profile.

In addition, Dominion Energy, Duke Energy Progress, and Duke Energy Carolinas convene stakeholder meetings to discuss the progress and status of their DSM and energy efficiency programs.

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<sup>56</sup> Conversations with representatives from the Southern Environmental Law Center.

<sup>57</sup> SC Code of Laws 58-3-260(b).

<sup>58</sup> SC Code of Laws 58-3-260(c).

<sup>59</sup> ORS, [Additional Allowable Ex Parte Briefing Guidelines](#).

<sup>60</sup> ORS, [Procedure and Timeline for Allowable Ex Parte Briefings](#).