**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 1281**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Massey

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Introduced in the Senate on June 27, 2018

Currently residing in the Senate Committee on **Judiciary**

Summary: Public Service Commission; prohibit hearings on the merits for docket in which requests were made

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

6/27/2018 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj\20180627.docx))

6/27/2018 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h:\sj\20180627.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1281&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[6/27/2018](file:///p:\pprever\2017-18\1281_20180627.docx)

**A** **JOINT RESOLUTION**

TO PROHIBIT THE PUBLIC SERVICE COMMISSION HOLDING A HEARING ON THE MERITS FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL MARCH 1, 2019 AND TO REQUIRE A FINAL ORDER TO BE ISSUED SIX WEEKS AFTER THE CONCLUSION OF A HEARING ON THE MERITS; TO PROVIDE FOR DISCOVERY REQUEST DISPUTES; TO CLARIFY THAT THE COMMISSION’S FAILURE TO ISSUE A FINAL ORDER IN THE TIME PERIOD PRESCRIBED BY THIS JOINT RESOLUTION DOES NOT CONSTITUTE APPROVAL BY THE COMMISSION NOR MAY THE UTILITY PUT INTO EFFECT ITS REQUESTED RATE CHANGE; AND TO SUSPEND ANY CONFLICTING STATUTES IN TITLE 58 FOR PURPOSES OF UTILITY RATES RELATED TO V.C. SUMMER NUCLEAR REACTOR UNITS 2 & 3.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) The Public Service Commission shall not hold a hearing on the merits for a docket in which requests were made pursuant to the Base Load Review Act before March 1, 2019; however, the Public Service Commission may hold an administrative or procedural hearing for such a docket prior to a hearing on the merits. The Public Service Commission must issue a final order for a docket in which requests were made pursuant to the Base Load Review Act no later than six weeks after the conclusion of the hearing on the merits.

(B) In the event that discovery requests are alleged to not be fulfilled and a motion to compel is filed with the Public Service Commission in a matter described in (A), the Public Service Commission must make a decision on the motion within 30 days of the date that the motion is filed. If the Public Service Commission determines that a party was uncooperative or withheld requested discovery that should have been produced, the documents must be produced within 10 days from the PSC’s order. In the event that a party fails to produce the documents pursuant to the Public Service Commission’s order within 10 days, an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purpose of this matter in accordance with the claim of the party obtaining the order.

SECTION 2. No final determination of these requests, whether by a final order issued by the Public Service Commission or by operation of law, shall occur earlier than the time period prescribed in SECTION 1. The Public Service Commission’s failure to issue a final order prior to the time period established in this Joint Resolution shall not constitute approval by the Public Service Commission and a utility must not put into effect the change in rates it requested in its schedule.

SECTION 3. Any statute in Title 58 in conflict with the provisions of this joint resolution is suspended for purposes of the utility rates for matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina. This suspension remains in effect until the Public Service Commission issues its final order in this matter.

SECTION 4. If any provision of this joint resolution is held or determined to be unconstitutional, invalid, or otherwise unenforceable by a court of competent jurisdiction, it is the intention of the General Assembly that the provision is severable from the remaining provisions of this joint resolution and that the holding does not invalidate or render unenforceable another provision of this joint resolution.

SECTION 5. This joint resolution takes effect upon approval by the Governor.

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