COMMITTEE REPORT

March 1, 2018

**S. 954**

Introduced by Senators Leatherman, Setzler, Massey and Fanning

S. Printed 3/1/18--H.

Read the first time February 21, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 954) to prohibit the Public Service Commission from issuing an order for requests made pursuant to the Base Load Review Act until ninety days after the South Carolina General Assembly adjourns sine die for, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment: Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. 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 November 1, 2018; 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 December 21, 2018.

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. When acting in the above timeframe on requests made pursuant to the Base Load Review Act, the Public Service Commission shall within five calendar days after the effective date of this joint resolution enter an order under its authority pursuant to Section 58‑27‑870(F) to provide an experimental rate that customers of a utility shall pay during the pendency of litigation defined in Section 1 herein or any appeal therefrom or final resolution of any action in a court of competent jurisdiction. This experimental rate shall be the electric utility rates these ratepayers are paying as of the effective date of this joint resolution, reduced by all rate increases imposed under the provisions of the Base Load Review Act. The commission’s order shall take effect five calendar days after it is issued and the commission shall serve an attested copy of the order upon all interested parties. Notwithstanding any other provision of law, the experimental rate set herein shall remain in full force and effect during the pendency of litigation defined in Section 1 herein or any appeal therefrom or final resolution of any action in a court of competent jurisdiction.

SECTION 4. The provisions of this joint resolution must be liberally construed to further the legislative intent of the General Assembly to provide the maximum ratepayer protection as more fully stated in this joint resolution.

SECTION 5. 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 6. This joint resolution takes effect upon approval by the Governor and applies to any and all cases, proceedings, petitions, or matters as defined by Section 1 herein pending before the public service commission or in any other court or venue on or after the effective date of this joint resolution. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **JOINT RESOLUTION**

TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

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

SECTION 1. 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 November 1, 2018; 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 December 21, 2018.

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

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