

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
)	
LeBrian Cleckley, on behalf of himself and)	C/A No. 2017-CP-40-04833
All others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	STATE OF SOUTH CAROLINA'S
)	RETURN TO MOTION FOR
)	APPOINTMENT OF RECEIVER
South Carolina Electric & Gas Company)	
And the State of South Carolina,)	
)	
Defendant.)	
)	

Attorney General Alan Wilson, for the State of South Carolina agrees that a receiver should be appointed in this case. The Attorney General is the chief law officer of the State¹ and has the duty to protect the public interest and the wellbeing of a utility's ratepayers. The Office of the Attorney General has taken such a position historically.² In this instance, we have opined that the Base Load Review Act is unconstitutional as applied. In our view, a receiver will be in

¹ "[A]s the chief law officer of the State, [the Attorney General] may, in the absence of some express legislative restriction to the contrary, exercise all such power and authority as public interests may from time to time require, and may institute, conduct and maintain all such suits and proceedings as he deems necessary for the enforcement of the laws of the State, the preservation of order, and the protection of public rights.' *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 68, 153 S.E. 537, 560 (1929), aff'd 282 U.S. 187 (1930) (citation omitted and italics added by Daniel court)." *State ex rel. Condon v. Hodges*, 349 S.C. 232, 239-40, 562 S.E.2d 623, 627 (2002). In *Broad River*, the Attorney General instituted a proceeding to compel Broad River Power and another company to maintain street car service.

² *S. Bell Tel. & Tel. Co. v. Pub. Serv. Comm'n*, 270 S.C. 590, 592, 244 S.E.2d 278, 279 (1978) holding modified by *Parker v. S.C. Pub. Serv. Comm'n*, 280 S.C. 310, 313 S.E.2d 290 (1984)(Attorney General intervened in opposition to the proposed rate increases for telecommunications services); *see also*, *State ex rel. McLeod v. Yonce*, 274 S.C. 81, 261 S.E.2d 303 (1979)(Attorney General challenges statute governing appointment of circuit court judge by Chief Justice to preside over rate cases); *S.C. Elec. & Gas Co. v. Pub. Serv. Comm'n*, 275 S.C. 487, 272 S.E.2d 793 (1980)(Attorney General respondent in appeal by power company of refund order of Public Service Commission).

the best position to protect SCE&G resources in this action, and we support the appointment.

Respectfully submitted,

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BY: 

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ATTORNEYS FOR THE DEFENDANT STATE OF
SOUTH CAROLINA