

1983 WL 182029 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 18, 1983

\*1 Honorable Arthur Ravenel, Jr.  
Senator  
Senatorial District No. 16  
635 E. Bay Street  
Charleston, South Carolina 29403

Dear Senator Ravenel:

Thank you for your inquiry of September 16, 1983, concerning §§ 8-13-470 and 58-3-142, [South Carolina Code](#) of Laws, 1976 (1982 Cum.Supp.). You question the applicability of these provisions to your appearance in your capacity as a Senator in the rate setting proceedings involving the application of Duke Power Company before the Public Service Commission. In your correspondence you explain that you would not be appearing as an attorney and your appearance as an intervenor would be solely pursuant to your position as Senator of the geographical area affected by the rate setting proceedings. I have enclosed two prior opinions of this office which address your inquiry.

1977 Atty. Gen. Ops. No. 394, p. 322 construes § 8-13-470 as permitting '[m]embers of the General Assembly, when acting as the elected representative of their constituency, may appear before the listed regulatory agency without compensation or other financial benefit, solely to represent the interests of their constituents.' At 323. This opinion appears to conclude that the prohibitions of § 8-13-470 are inapplicable to your participation in the rate proceeding before the Public Service Commission.

Further, § 58-3-24 has been construed as prohibiting:

[A] legislator from appearing before the Public Service Commission (PSC) in a rate fixing proceeding only as a representative of or on behalf of a party to those proceedings; that is, it prohibits him from appearing as an attorney for any party to those proceedings.

Ops. Atty. Gen., (August 14, 1979). [emphasis added]. This opinion, drafted by Daniel R. McLeod, former Attorney General of the State of South Carolina, concludes that § 58-3-24 must be read in conjunction with § 8-13-70 and realizes that the exceptions applicable to § 8-13-70 are applicable as well to § 58-3-24.

I have attached copies of these prior opinions for your convenience. Pursuant to these prior opinions, in summary, it appears that your participation before the Public Service Commission as herein described is not prohibited by either § 8-13-470 or § 58-3-142.

Very truly yours,

Edwin E. Evans  
Senior Assistant Attorney General

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