

1979 WL 43172 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1979

\*1 Honorable Patrick B. Harris  
Chairman  
House Legislative Ethics Committee  
South Carolina House of Representatives  
P. O. Box 11867  
Columbia, South Carolina 29211

Dear Mr. Harris:

You have asked whether [Section 8-13-470, Code of Laws of South Carolina, 1976](#), would apply to a law partner of a Member of the House who represents a client in a dispute between a telephone utility and the client concerning the telephone utility's demand of a deposit from the client.

[Section 8-13-470](#) prohibits partners or associates in law firms of Members of the General Assembly from appearing before the South Carolina Public Service Commission in rate or price-fixing matters (emphasis added).

[Section 58-9-510, et seq., Code of Laws of South Carolina, 1976](#), sets forth those steps that must be taken in order for a telephone utility to change its rates, whether the request for a change be made by the Public Service Commission, by complaint or by the utility. Section 58-9-540 specifically applies to hearings by the Public Service Commission to determine the lawfulness or reasonableness of new proposed rates of telephone utilities.

Customer deposits of telephone utilities are addressed in Public Service Commission Rule R103-621. This rule, inter alia, sets forth the conditions under which a deposit can be required, establishes the maximum deposit allowed, and provides for refunds of deposits.

A dispute concerning a telephone utility's demand for a deposit from an individual would necessarily involve a challenge of Public Service Commission Rule R103-621, and would not properly be addressed a rate or price-fixing matter contemplated by [Section 58-9-510, et seq., Code of Laws of South Carolina, 1976](#).

It is, therefore, the opinion of this Office that [Section 8-13-470, Code of Laws of South Carolina, 1976](#), would not be violated if a law partner of a House Member represented a client concerning a telephone utility's demand for a deposit from the client.

It is also noted that Act No. 167 of 1979 prohibits a Member of the General Assembly or any member of a Member's law firm from appearing before the Public Service Commission 'in any rate fixing proceeding representing any party in such proceeding for any purposes . . .'. However, for the reasons stated herein, neither would this provision be violated if a law partner of a Member of the House represented a client concerning a dispute with a telephone utility's demand for a deposit from the client.

Sincerely,

James W. Johnson, Jr.  
Assistant Attorney General

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