

1973 WL 26864 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1973

\*1 Malcolm C. Woods, Jr., Esquire  
Attorney at Law  
Post Office Drawer 750  
Marion, South Carolina 29571

Dear Mr. Woods:

Thank you for your letter of August 6, 1973, in which you ask if the Pee Dee Electric Cooperative may continue to serve areas originally located outside the city limits of Marion, but which might become annexed to the city.

As I mentioned in our telephone conversation on August 14, 1973, according to Section 24-18 of the 1962 Code, as amended, the furnishing of electric service in any area becoming a part of a municipality, whether by annexation or incorporation, after July 1, 1969, is to be governed by Section 24-76 and 12-1025 of the Code.

As you know, Section 24-76 allows an electrical utility furnishing electricity to a city to acquire, with the consent of the governing body of such city, the facilities and properties of the supplier of electricity furnishing any area annexed to that city, upon the payment of just compensation therefore. Section 12-1025 provides, inter alia, that subject to the provisions of Section 24-76, the act of annexing into a city an area in which an electrical cooperative is serving constitutes the consent of the governing body of such city for the cooperative to continue serving all premises then being served and to serve additional premises within such area until such time as the governing body shall direct otherwise.

A reading of these pertinent sections leads to the conclusion that when an area being serviced by an electrical cooperative is annexed to a city, that cooperative can continue to serve the annexed area until and unless the governing body of the city directs otherwise. If the governing body does direct otherwise and so consents, an electrical utility servicing such city can then acquire the facilities of the cooperative upon payment of just compensation. Section 24-76 also provides the procedure for determining just compensation.

If you should have any further questions regarding this matter, please do not hesitate to contact this Office.

Very truly yours,

Karen L. Henderson  
Legal Assistant

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