



**Monthly Review of South Carolina Public Service
Authority Pursuant to Act 135 Section 11 (E)**

South Carolina
Office of Regulatory Staff

December 31, 2020

Executive Summary

On May 18, 2020, Act 135 was signed into law by Governor Henry McMaster. Section 11 of Act 135 requires that the South Carolina Public Service Authority (“Santee Cooper”) be subject to monthly reviews by the South Carolina Office of Regulatory Staff (“ORS”). The objective of the monthly review is to determine if Santee Cooper violated the terms contained in Section 11 subsection E of Act 135. This Report details the results of ORS’s monthly review of Santee Cooper activities under Section 11 subsection E of Act 135 for the time period of October 1, 2020, through October 31, 2020 (“Review Period”).

Act 135 allows the Santee Cooper Oversight Committee to convene to consider and clarify any matter discovered by ORS pursuant to Section 11 subsection E that ORS determines is in violation of the terms contained in subsection E.

ORS has not audited or verified the appropriateness, accuracy or completeness of the actions undertaken by Santee Cooper. Further, this Report, and all associated analyses, are based upon the information and attestations made by Santee Cooper and in reliance that the responses provided by Santee Cooper are full and accurate responses. ORS conducted the review contained in this Report in reasonable reliance upon the information provided by Santee Cooper. Moreover, ORS did not retain outside legal or financial experts to assist with the review contained in this Report. Through this Report, ORS makes no comment regarding actions taken by Santee Cooper related to the *Cook Settlement*, Act 135 Section 11(A).

ORS determined Santee Cooper did not take action that violated the terms contained in Act 135 Section 11 subsection E during the Review Period.

Scope of ORS Review

In accordance with Act 135 Section 11, the scope of the monthly review by ORS is to determine if Santee Cooper activities during the Review Period were in violation of subsection E which specifies:

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (1) *doing those things necessary for closing and decommissioning the Winyah Generating Station including, but not limited to, planning, permitting, and securing by purchase or lease one hundred megawatts of combustion turbines and minor transmission upgrades, subject to the consent of Central pursuant to the Power System Coordination and Integration Agreement between Santee Cooper and Central, as amended (the Coordination Agreement). In no event will this include constructing a natural gas combined cycle or other major generation resource;*
 - (2) *doing all those things necessary for deploying up to 500 megawatts of new solar generation, within the structure described in the Santee Cooper Act 95 Reform Plan Appendix 8.2.4, subject to consent of Central pursuant to the Coordination Agreement;*
 - (3) *entering into operational efficiency and joint dispatch agreements with neighboring utilities for a period of up to one year, with annual renewals and reciprocal cancellation clauses thereafter;*
 - (4) *renegotiating existing and entering into new coal supply, transportation, and related agreements that produce savings and for terms not to exceed five years or such longer period of time as may be approved by the Santee Cooper Oversight Committee;*
 - (5) *entering into natural gas hedging arrangements for terms not to exceed five years, or such longer period of time as may be approved by the Santee Cooper Oversight Committee;*
 - (6) *conducting the planning, permitting, engineering and feasibility studies to develop natural gas transportation and power transmission to ensure a reliable power supply;*
 - (7) *entering into purchase power arrangements needed for, but not in excess of, anticipated load for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;*
 - (8) *defeasing debt, issuing or refunding debt under existing bond resolutions and agreements, and entering into financing arrangements consistent with existing bank facilities, all as necessary to manage day to day operations and financing needs, including converting variable rate debt to fixed rate debt. Refunding of existing debt is permitted if it achieves present value savings or mitigates risk and does not extend the average life of the debt;*
 - (9) *resolving outstanding lawsuits and claims;*

(10) taking whatever steps are prudent and consistent with good utility practice to address the impact of the COVID-19 pandemic; and

(11) freezing rates as provided in the settlement of Cook v. Santee Cooper, et al.

ORS Review Methodology

Within 30 days of the passage of Act 135, ORS was required to provide Santee Cooper with a reasonable process by which ORS will accomplish its obligations. ORS provided the process, estimated schedule and sample documents to Santee Cooper on June 10, 2020.

ORS determined a timely exchange of information and records between Santee Cooper and ORS would be critical to meet the monthly review requirement of Act 135. The process determined by ORS and provided to Santee Cooper included the following:

- ORS will send Santee Cooper a Request for Information (“RFI”) on a monthly basis.
- Santee Cooper will provide a response within 14 days of receipt of the RFI.
- Each response by Santee Cooper requires a signature and attestation from a Santee Cooper officer.
- ORS may request additional information and documents.
- ORS may interview, or discuss the Santee Cooper responses with, the individual that prepared the response.
- ORS will provide the findings of the monthly review to Santee Cooper and the Santee Cooper Oversight Committee.

ORS issued the Sixth RFI to Santee Cooper on October 16, 2020 and received responses from Santee Cooper on November 30, 2020.

ORS Review of Section 11 subsection E

Winyah Generating Station Closing & Decommissioning

(E) Nothing in this section prohibits Santee Cooper from:

(1) doing those things necessary for closing and decommissioning the Winyah Generating Station including, but not limited to, planning, permitting, and securing by purchase or lease one hundred megawatts of combustion turbines and minor transmission upgrades, subject to the consent of Central pursuant to the Power System Coordination and Integration Agreement between Santee Cooper and Central, as amended (the Coordination Agreement). In no event will this include constructing a natural gas combined cycle or other major generation resource;

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates several internal coordination meetings and external meetings with Central Electric Power Cooperative, Inc. ("Central") were held during the Review Period to discuss (1) the retirement of Winyah Generating Station ("Winyah") and the support provided by 20 megawatts ("MW") of quick-start units already available from the V.C. Summer site and (2) siting and technology requirements and permitting processes for generation resources necessary for system support for the planned retirement of Winyah.

During the Review Period, Santee Cooper received a draft Conway Simple Cycle Project Technology Study from Black & Veatch which contains an evaluation of fast-start, diesel-fueled, simple-cycle power generation options for a greenfield site near Conway. The 41 page draft Technology Study considers construction of a 50 MW generation plant implementing new dual-fuel combustion turbines, new reciprocating engines or a hybrid of new units with the existing four diesel generators are available from the abandoned V.C. Summer nuclear project. According to the draft Technology Study, Black & Veatch and Santee Cooper met in mid-October.

A review of the information provided by Santee Cooper in response to ORS RFI 1 through 5 do not reflect any discussion of Santee Cooper's actions to engage Black & Veatch to conduct a Technology Study. In addition, on November 23, 2020, Santee Cooper stated, in response to a follow-up question by ORS to RFI 5.1, that "Other potential generation resources necessary to support a Winyah retirement may be natural gas combined cycle or simple cycle units; however, Santee Cooper **is not initiating** any permitting activities, **technology studies**, procuring any resources or anything that may be considered to be taking an action to construct a natural gas unit."¹ (emphasis added)

Santee Cooper began work to develop a refined permitting and construction schedule for a potential combined cycle unit. Santee Cooper states that no actions were taken beyond schedule and cost estimates to support resource planning efforts. Santee Cooper indicates negotiations with Century Aluminum may impact the actual retirement dates for Winyah.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (1) of Act 135 during the Review Period.

In light of Santee Cooper's actions to discuss siting and permitting processes to support new generation planning efforts, it is unclear if the activities undertaken by Santee Cooper related to planning and permitting for a natural gas combined cycle or other major generation resource are allowed under Act 135. ORS recommends the Santee Cooper Oversight Committee review and provide further instruction to ORS and Santee Cooper related to planning efforts that include natural gas combined cycle or other major generation resources are allowable under Act 135.

¹ November 24, 2020 E-Mail Response Subject: RE: More follow-up to Santee Cooper – 5.1 Response to ORS 11_23 email.docx. from Pamela Williams to Dawn Hipp and Jane Hood.

Deployment of up to 500 MW of New Solar Generation

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (2) *doing all those things necessary for deploying up to 500 megawatts of new solar generation, within the structure described in the Santee Cooper Act 95 Reform Plan Appendix 8.2.4, subject to consent of Central pursuant to the Coordination Agreement*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates work was conducted to support the addition of new solar generation occurred during the Review Period. The Santee Cooper and Central Joint Committee held meetings on October 1, 8, 15, and 20, 2020 to continue to evaluate the responses from solar developers in response to the Request for Proposal ("RFP") solar generation issued on June 5, 2020. Numerous calls were held throughout the Review Period between Santee Cooper and Central to discuss negotiations with solar developers and the development of a "Proposed Shared Resource Package" expected to provide the capability to deliver up to approximately 500 MW of solar power. The Joint Planning Committee voted to approve the Proposed Shared Resource Package. In November, Central announced that it will contract directly for 72.5% of the 500 MW.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (2) of Act 135 during the Review Period.

Operational Efficiency & Joint Dispatch Agreements

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (3) *entering into operational efficiency and joint dispatch agreements with neighboring utilities for a period of up to one year, with annual renewals and reciprocal cancellation clauses thereafter*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper conducted no activities regarding joint dispatch during the Review Period. Although not part of a joint dispatch scenario, Santee Cooper enhanced existing hourly and daily energy bid and offer process to identify opportunities to enter into bilateral transactions (buy and sell energy) with Dominion Energy South Carolina, Inc. ("Dominion"). During the Review Period, Santee Cooper and Dominion continued to review bids and offers however, no bilateral transactions were completed.

Santee Cooper and Dominion met on October 20, 2020 at three separate rights-of-way locations to determine which utility would spray which location in 2021.

During the Review Period, Santee Cooper evaluated the opportunity to obtain gypsum from Dominion to lower costs to fulfill contract requirements. Currently, Santee Cooper purchases gypsum externally to meet contract requirements when Santee Cooper

facilities do not produce sufficient volumes. Santee Cooper is planning a test of Dominion gypsum from Williams Station. The material will be processed through Santee Cooper's wash plant, and the final product will be evaluated for compliance with contract specifications. No action was taken to purchase gypsum from Dominion during the Review Period.

During the Review Period, Santee Cooper continued discussions with Southern Power Company and Southern Company Services, Inc. (collectively "Southern") to determine what areas would have the best opportunities for increased efficiencies. Different technical groups within Santee Cooper and Southern continued to work together to develop mutually beneficial opportunities.

- The Coal Combustion Products ("CCP") team completed its review of all identified opportunities, none of which resulted in new agreements. The materials are typically committed through long term contracts, reducing flexibility to change arrangements quickly.
- The Generation Technical Services and Asset Management teams met jointly to discuss ways to increase analysis of data to result in more condition based maintenance ("CBM") of generation assets. Discussions with two external entities were held to determine if services they offer that could assist with increased analysis using existing systems and software. Discussion with a third external entity is planned for November..

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (3) of Act 135 during the Review Period.

Coal Supply, Transportation & Related Agreements

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (4) *renegotiating existing and entering into new coal supply, transportation, and related agreements that produce savings and for terms not to exceed five years or such longer period of time as may be approved by the Santee Cooper Oversight Committee*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates that Santee Cooper took steps to amend the recently executed coal supply contract with Foresight Coal Sales, LLC ("Foresight") due to Santee Cooper projections that coal burns will be higher for 2021 than what is identified in the Reform Plan. Santee Cooper states that it has negotiated a contract amendment with Foresight that would increase coal coverage at a lower price with increased volume optionality. The contract amendment will only apply to 2021 and Santee Cooper estimates the savings to be approximately \$1.2 million based on the Reform Plan projections. Santee Cooper states the contract amendment has not been completed or executed during the Review Period.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (4) of Act 135 during the Review Period.

Natural Gas Hedging Arrangements

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (5) *entering into natural gas hedging arrangements for terms not to exceed five years, or such longer period of time as may be approved by the Santee Cooper Oversight Committee;*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates that Santee Cooper executed a repositioning strategy on natural gas hedge positions for the time period of 2021 through 2024 (rate freeze period) that included buying and selling positions in multiple months throughout the period in order to bring natural gas coverage to 100% in each month. Santee Cooper states that the repositioning is in response to the Fuels Risk Management Procedure which requires actions to sell enough contracts to lower its hedge volumes below 100% for those months that Santee Cooper has excess and purchase contracts for months that were already below 100%, with a desired outcome of reaching 100% coverage in each month through 2024. Santee Cooper made multiple monthly transactions for volumes through 2024. The purchases result in projected savings of \$1.957 million and the sales resulted in a projected gain of \$770,000 compared to the Reform Plan.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (5) of Act 135 during the Review Period.

Develop Natural Gas Transportation & Power Transmission

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (6) *conducting the planning, permitting, engineering and feasibility studies to develop natural gas transportation and power transmission to ensure a reliable power supply*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper performed routine transmission planning activities including North American Electric Reliability Corporation Transmission Planning assessments. Santee Cooper also conducted transmission system assessments associated with different generation planning scenarios being considered during the planning process. No actions or assessments were completed during the Review Period.

Santee Cooper conducted transmission system assessments associated with different generation planning scenarios to form the basis for cost estimates of transmission system improvements. The assessments were completed in October and future system plans

and associated budgets were established based on current information. Santee Cooper expects to complete a more detailed transmission assessment report by the end of 2020. Santee Cooper indicates negotiations with Century Aluminum may impact the actual retirement dates for Winyah.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (6) of Act 135 during the Review Period.

Purchased Power Arrangements

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (7) *entering into purchase power arrangements needed for, but not in excess of, anticipated load for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper continued to monitor pricing of purchase power supply during the rate freeze period in up to 150 MW blocks. No action was taken towards entering into agreements and this activity is on-going.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (7) of Act 135 during the Review Period.

Debt & Financing Arrangements

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (8) *defeasing debt, issuing or refunding debt under existing bond resolutions and agreements, and entering into financing arrangements consistent with existing bank facilities, all as necessary to manage day to day operations and financing needs, including converting variable rate debt to fixed rate debt. Refunding of existing debt is permitted if it achieves present value savings or mitigates risk and does not extend the average life of the debt*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper managed bank facility agreements for two types of short-term products (Commercial Paper and Revolving Credit Agreements) during the Review Period. The balances for Santee Cooper bank facility program decreased by approximately \$10 million in the month of October. Santee Cooper indicates the management of the bank facility agreements facilitates day-to-day financing needs.

On October 28, 2020, the Santee Cooper Board of Directors approved \$638.2 million in bond sales. The transaction includes the sale of \$338.5 million of 2020 Refunding and

Improvement Tax-Exempt Series A bonds and \$299.7 million of 2020 Refunding Taxable Series B. The 2020A proceeds refund bonds totaling \$292.4 million and provide new money proceeds of \$100 million, to use for capital projects. Due to current tax regulations, the 2020B Refunding is a taxable advanced refunding. The 2020B proceeds will be used to refund \$277.2 million in bonds. Both series had a closing date of November 5, 2020. According to the analysis by Bank of America, the bond transactions are projected to produce approximately \$134 million net present value savings. The refundings also shorten the average life of the bonds from 21 years before the transaction to 13 years.

ORS Review of Santee Cooper Pursuant to a Request from the Santee Cooper Oversight Committee

On October 29, 2020, the Santee Cooper Oversight Committee (“SCOC”) members consisting of Governor Henry McMaster, Speaker of the House of Representatives James Lucas, President of the Senate Harvey Peeler, Chairman of the Senate Finance Committee Hugh Leatherman and Chairman of the House Ways and Means Committee Murrell Smith sent a Letter to Dan Ray, Acting Chairman of the South Carolina Public Service Authority (“Santee Cooper”). In the Letter, the SCOC sought “additional information from Santee Cooper regarding plans to issue new debt and presents shared questions and preliminary concerns whether certain aspects of the transactions, as announced by Santee Cooper, comply with Act 135 of 2020.” Pursuant to the Letter, the SCOC required Santee Cooper to “‘immediately furnish’ any and all pertinent information and documentation to ORS regarding these transactions to facilitate a prompt review” of the planned transactions. In addition, the SCOC required Santee Cooper provide “a detailed explanation as to why, and how, you believe that Santee Cooper’s actions are in keeping with both the letter and the spirit of the General Assembly’s mandates in Act 135.”

Pursuant to Act 135, Santee Cooper is subject to monthly reviews by the South Carolina Office of Regulatory Staff (“ORS”) for actions taken under Act 135, Section 11, subsection (E). As a result, ORS diligently reviewed the materials provided by Santee Cooper to comply with the ORS obligations as detailed by Act 135 to make a determination as to whether Santee Cooper violated the terms of Act 135, Section 11, subsection (E). ORS issues a Report that detailed ORS’s review of the data provided by Santee Cooper in response to the SCOC Letter and ORS’s discovery issued on October 29, 2020.²

While Santee Cooper provided no material advance disclosure to ORS of any initial plans or preparations to issue or refund debt, ORS determined Santee Cooper did not take action that violated the terms contained in Act 135, Section 11, subsection (E)(8). A review of the responses previously provided to ORS by Santee Cooper related to Santee Cooper’s monthly activities under Act 135, Section 11, subsection (E)(8), confirms that Santee Cooper did not include any material information or detail of any monthly activities

² ORS Review of Santee Cooper pursuant to a Request from the Santee Cooper Oversight Committee. [https://ors.sc.gov/sites/default/files/Documents/Regulatory/electricNaturalGas/Electricity/ORS%20Review%20of%20Santee%20Cooper%20-%20Act%20135%20Section%2011\(E\)\(8\)%20FINAL%20Version%2011-3-20.pdf](https://ors.sc.gov/sites/default/files/Documents/Regulatory/electricNaturalGas/Electricity/ORS%20Review%20of%20Santee%20Cooper%20-%20Act%20135%20Section%2011(E)(8)%20FINAL%20Version%2011-3-20.pdf)

related to planning or preparations for issuing and refunding debt in the responses to ORS prior to a response provided on October 30, 2020. However, the questions posed to Santee Cooper by ORS were reasonably calculated to elicit information regarding Santee Cooper's preparations to issue and refund debt.

Santee Cooper Supplemental Responses to ORS received on December 18, 2020

On December 18, 2020, Santee Cooper provided several supplemental responses to ORS. Santee Cooper indicated that the Board of Directors approved the Santee Cooper 2021-2023 financial budget which includes specific capital projects for which the \$100 million in new money proceeds. The construction and capital equipment identified in the budget approved by the Board of Directors includes environmental compliance projects, FERC capital, future generation, Marion-Conway 230 kV line, and AMI meters. Santee Cooper discussed the impact of the bond transaction on the *Cook* settlement with attorneys for the plaintiffs and Central. Santee Cooper discussed the tax-exempt eligibility and other tax related topics with Nixon Peabody.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (8) of Act 135 during the Review Period.

Resolve Lawsuits & Claims

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (9) *resolving outstanding lawsuits and claims*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper engaged in settlement discussions with opposing party representatives.

On October 2, 2020, in *Goose Creek v. South Carolina Public Service Authority* (Case No. 2020-CP-08-00821), Santee Cooper filed a supplemental memorandum in response to questions presented by the Court. Santee Cooper also filed a motion for injunctive relief and for a speedy determination of its declaratory judgment action on October 2. On October 12, the Circuit Court entered an order declaring, among other things, Santee Cooper has the exclusive right to serve Century Aluminum's Mt. Holly Smelter. On October 30, Santee Cooper filed a Memorandum in Opposition to Goose Creek's Motion for Reconsideration of the October 12 Order.

On October 7, 2020, in *City of Goose Creek, South Carolina v. South Carolina Public Service Authority* (Docket No. EL20-33-000), Santee Cooper filed a motion for leave to reply and reply in response to the City of Goose Creek's Answer to Santee Cooper's request to reopen record. On October 16, 2020 Santee Cooper filed a Motions to Dismiss Applications, to Vacate and to Supplement the September 14, 2020 Motion of the South Carolina Public Service Authority for Reconsider and for Stay.

On October 14, 2020, in *Murry C. Turka v. South Carolina Public Service Authority* (Federal Case No.: 2:19-cv-1102-RMG), Santee Cooper took the deposition of putative

class representative Murray Turka. Mediation was conducted on October 21, 2020, which adjourned without settlement or impasse being declared.

On October 26, 2020, in *Robert O. Merritt v. South Carolina Public Service Authority d/b/a Santee Cooper* (Case No.: 2020-CP-08-02063), Santee Cooper was served with the Summons and Complaint filed in Berkeley County on September 18, 2020.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (9) of Act 135 during the Review Period.

Address the Impacts of COVID-19

- (E) *Nothing in this section prohibits Santee Cooper from:*
- (10) *taking whatever steps are prudent and consistent with good utility practice to address the impact of the COVID-19 pandemic*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper continued efforts to manage the COVID-19 pandemic and implement its pandemic response plan through the Corporate Incident Management Team ("CIMT"). Through weekly meetings, the CIMT took the following actions:

- Conducted weekly calls to identify issues related to COVID-19 throughout the company and to provide updates on company guidelines
- Updated published guidelines and coordinates mass communication to employees

All guidelines are developed under advisement of Safety and Occupational Health and review of information provided by SC Emergency Management Division, SC Department of Health and Environmental Control, National Center for Disease Control, other utilities, local and state ordinances and other information.

In addition to the actions of the CIMT, Santee Cooper took the follow actions:

- Occupational Health continued to monitor active cases and employees on quarantine as well as quarantine additional employees when necessary.
- Occupational Health used three kiosks for wellness checks and working on a plan to expand the use of kiosks.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (10) of Act 135 during the Review Period.

Rate Freeze as Required by Settlement

- (E) *Nothing in this section prohibits Santee Cooper from:*

(11) *freezing rates as provided in the settlement of Cook v. Santee Cooper, et al.*

Summary of Santee Cooper Activities during Review Period

ORS's review of the information provided by Santee Cooper indicates Santee Cooper implemented the Rate Freeze for Residential, Commercial and Lighting Customers approved by the Board of Directors during the July 31, 2020 Board of Directors Meeting. Santee Cooper held internal discussions to finalize the internal process for identifying and evaluating potential settlement exceptions as defined in the Cook Settlement Agreement.

ORS Review Results

ORS determined Santee Cooper did not take action that violated the terms contained in Section 11 subsection E (11) of Act 135 during the Review Period. The Review by ORS does not evaluate overall compliance with the *Cook* settlement in accordance with Act 135 Section 11(A).

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