



Code of Laws**Title 58 - Public Utilities, Services and Carriers**

| | |
|--|---|
| CHAPTER 1 - GENERAL PROVISIONS | HTML Word |
| CHAPTER 3 - PUBLIC SERVICE COMMISSION | HTML Word |
| CHAPTER 4 - OFFICE OF REGULATORY STAFF | HTML Word |
| CHAPTER 5 - GAS, HEAT, WATER, SEWERAGE COLLECTION AND DISPOSAL, AND STREET RAILWAY COMPANIES | HTML Word |
| CHAPTER 7 - SPECIAL PROVISIONS AFFECTING GAS, WATER OR PIPELINE COMPANIES | HTML Word |
| CHAPTER 9 - TELEPHONE, TELEGRAPH AND EXPRESS COMPANIES | HTML Word |
| CHAPTER 11 - RADIO COMMON CARRIERS | HTML Word |
| CHAPTER 12 - CABLE TELEVISION | HTML Word |
| CHAPTER 13 - CARRIERS GENERALLY | HTML Word |
| CHAPTER 15 - RAILROAD, STREET RAILWAY, STEAMBOAT AND CANAL COMPANIES | HTML Word |
| CHAPTER 17 - THE GENERAL RAILROAD LAW | HTML Word |
| CHAPTER 19 - PUBLIC RAILWAYS COMMISSION [REPEALED] | HTML Word |
| CHAPTER 21 - ELECTRIC, INTERURBAN AND STREET RAILWAYS | HTML Word |
| CHAPTER 23 - MOTOR VEHICLE CARRIERS | HTML Word |
| CHAPTER 25 - REGIONAL TRANSPORTATION AUTHORITIES | HTML Word |
| CHAPTER 26 - HUMAN SERVICES TRANSPORTATION PILOT PROGRAM [REPEALED] | HTML Word |
| CHAPTER 27 - ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES | HTML Word |
| CHAPTER 29 - STATE RURAL ELECTRIFICATION AUTHORITY [REPEALED] | HTML Word |
| CHAPTER 31 - PUBLIC SERVICE AUTHORITY | HTML Word |
| CHAPTER 33 - UTILITY FACILITY SITING AND ENVIRONMENTAL PROTECTION | HTML Word |
| CHAPTER 35 - UNDERGROUND UTILITY DAMAGE PREVENTION ACT | HTML Word |
| CHAPTER 37 - ENERGY SUPPLY AND EFFICIENCY | HTML Word |

**South Carolina Code of Laws
(Unannotated)
Current through the end of the 2006 Regular Session
DISCLAIMER**

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2006 regular session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.net regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

**Title 58 - Public Utilities, Services and Carriers
CHAPTER 37.
ENERGY SUPPLY AND EFFICIENCY**

SECTION 58-37-10. Definitions.

As used in this chapter unless the context clearly requires otherwise:

- (1) "Demand-side activity" means a program conducted or proposed by a producer, supplier, or distributor of energy for the reduction or more efficient use of energy requirements of the producer's, supplier's, or distributor's customers, including, but not limited to, conservation and energy efficiency, load management, cogeneration, and renewable energy technologies.
- (2) "Integrated resource plan" means a plan which contains the demand and energy forecast for at least a fifteen-year period, contains the supplier's or producer's program for meeting the requirements shown in its forecast in an economic and reliable manner, including both demand-side and supply-side options, with a brief description and summary cost-benefit analysis, if available, of each option which was considered, including those not selected, sets forth the supplier's or producer's assumptions and conclusions with respect to the effect of the plan on the cost and reliability of energy service, and describes the external environmental and economic consequences of the plan to the extent practicable. For electrical utilities subject to the jurisdiction of the South Carolina Public Service Commission, this definition must be interpreted in a manner consistent with the integrated resource planning process adopted by the commission. For electric cooperatives subject to the regulations of the Rural Electrification

Administration, this definition must be interpreted in a manner consistent with any integrated resource planning process prescribed by Rural Electrification Administration regulations.

DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Regulations on the Internet as a service to the public. The unannotated South Carolina Code of Regulations on the General Assembly's website is now current through State Register Volume 30, Issue 9, effective September 22, 2006. The unannotated South Carolina Code of Regulations, consisting only of Regulation text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code of Regulations available on the South Carolina General Assembly's website, the unannotated South Carolina Code of Regulations is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Regulations Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.net regarding any apparent errors or omissions in content of Regulation sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 103.

PUBLIC SERVICE COMMISSION

(Statutory Authority: 1976 Code Sections 58-3-140, 58-23-10, 58-23-590, 58-23-1010, and 58-23-1830)

ARTICLE 1.

COMMON CARRIERS

SUBARTICLE 1.

COMMON CARRIERS BY RAIL AND EXPRESS COMPANIES

103-1 to 103-5. Repealed as of December 31, 1976.

103-1 to 103-5. Repealed as of December 31, 1976.

103-6. Notice to be Posted.

All railroad companies, operating in South Carolina as common carriers, shall be required to have printed in large type and kept posted in a conspicuous place in each waiting room at their depots in South Carolina, the following notice:

NOTICE

All railroad companies are required, under the laws of South Carolina and the rules of the Public Service Commission, to bulletin trains when late, to furnish good, wholesome drinking water to passengers, to keep waiting rooms and passenger coaches clean, well lighted, properly ventilated, and comfortably heated when necessary.

The Public Service Commission of South Carolina would appreciate the prompt reporting to its office at Columbia, S. C., of the failure of any company or its agents to comply with these requirements.

103-7. Opening Waiting Rooms.

At junction points, railroad companies shall be required to open their depot waiting rooms for the accommodation of the traveling public at least thirty minutes before the schedule time for their arrival of all passenger trains, or trains carrying passengers.

At local, or non-junction points, all such waiting rooms shall likewise be opened: Provided, That the same shall not be required to be opened, nor kept open, after 10 o'clock p. m., except for delayed trains due before that hour, in which case such rooms shall be kept open until the actual arrival of such delayed trains.

Pursuant to Section 58-17-3080, S. C. Code 1976.

103-8. Waiting Rooms.

A waiting room for passengers, sufficient for their comfort and convenience, shall be provided at all stations where passenger tickets are offered for sale, and these waiting rooms shall be furnished with adequate lights, and, when the inclemency of the weather requires, with heat, and at all times kept clean and made comfortable for passengers.

A substantial water cooler must be in each waiting room with drinking vessel conveniently placed. The said cooler to be supplied with wholesome water at all hours to meet the requirements of passengers. There shall be connected with each of these waiting rooms whenever practicable, except at flag stations on the railroad lines where there is no regularly kept passenger station, two separate and distinct restrooms, one for female passengers and one for male passengers and said restrooms shall be kept in fit and suitable condition for use and convenience of said passengers. Such toilets will be considered and open into or near the waiting rooms so as to afford a reasonable privacy to passengers.

Pursuant to Section 58-17-3080, S.C. Code 1976.

103-9. Heating, Lighting, etc., of Coaches.

On all passenger trains, or trains carrying passengers in this State, the railroad companies shall furnish safe and adequate heating appliances and lights, and shall keep the passenger coaches clean, sufficiently warm, and properly ventilated for the comfort of passengers. All passenger coaches, including closets, after reaching their destination and before being put in service for further use, must be thoroughly cleaned and disinfected.

103-10. Handling Baggage.

All railroad companies shall provide such means or appliances as may be necessary to secure the careful handling of and prevent injury to baggage. At all stations where no proper appliances are supplied, the baggagemaster shall have such assistance from the train hands or others as may be necessary to handle all baggage without injury to same. That at all junctional points and all towns of over 500 inhabitants, sufficient trucks be furnished to both load and unload baggage.

Pursuant to Section 58-17-3140, S. C. Code 1976.

103-11. Notice as to Delayed Trains.

Whenever any passenger train or train carrying passengers on any railroad in this State shall be more than one-half of an hour behind its schedule time, it shall be the duty of said railroad company to bulletin, and keep posted at every telegraph station along its line, in the direction in which said train is going, the time such train is behind its schedule time, and the time of its arrival, as near as can be ascertained.

Each bulletin board upon which the foregoing information is to be posted shall contain the regular schedule of the arrival and departure of all trains carrying passengers.

All notices as to trains behind schedule time shall be erased from the bulletin immediately after the departure of such trains.

Such bulletin shall be changed every quarter-hour until delayed train arrives.

103-11 and 103-12 pursuant to Section 58-17-3050, S. C. Code 1976.

103-12. Notice of Change in Schedules. Notices of any change in the schedule time of passenger trains, or trains carrying passengers, must be posted conspicuously at each of the stations along the line of the road, and notice to the Commission be given in writing at least eight days before the change is to take effect; said notice to also be published in two issues of newspapers at least eight days before the change is made: Provided, Freight trains carrying passengers and running between local stations may be excepted from this rule by proper showing before this Commission when said train is not advertised in published schedules as carrying passengers.

103-13. Accidents.

Every railroad corporation shall cause immediate notice of any accident which may occur on its road, attended with injury to any person, to be given to the Public Service Commission, by telegraph, telephone or such other means as may be the quickest under the circumstances, at the same time that notice is given the officials of the road on which the accident occurred, and shall furnish immediate transportation for the Commissioners over its line to the place of accident free of expense to the Commissioners, and if the Commissioners use another railroad to reach the place of accident, the corporation on whose line the accident occurs shall pay the expense of transportation thereon, and shall also give notice in like manner of any accident falling within any description of accidents of which said Commissioners may by general regulation require notice to be given.

Also, every railroad corporation upon whose line any accident may occur, attended with injury to any person or persons, is, in all such cases, required to immediately notify the most accessible physician or physicians, by quickest possible means, of place of accident and require the giving of such medical or surgical attention as the case or cases may require.

Pursuant to Sections 58-17-3440 and 58-17-3450, S.C. Code 1976.

103-14. Closing or Discontinuing Depots, Stations and Agencies.

Each and every depot, flag stop, station, office and agency, now maintained, conducted or used in South Carolina by any railroad, express or telegraph company doing business in this State, for the transaction of business with the public is hereby formally established and located at the point and on the premises where the same is now being so maintained and conducted. No such depot, flag stop, station, office or agency, as aforesaid, now established, or that hereafter may be established, pursuant to orders made by the Commission, or voluntarily by such company, or otherwise, shall be closed, removed, suspended, discontinued or abolished without authority granted by the Public Service Commission. Written application shall be made to the Public Service Commission for authority to post notice to the public setting forth the fact that thirty days from date of said notice application for such closing, removal, suspension, discontinuance or abolition will be made to the Public Service Commission. Said notice to the public shall be posted in a conspicuous place at or near such depot, flag stop, station, office or agency, for not less than thirty (30) days, and a copy of such notice sent to the Public Service Commission. At the expiration of that time, unless protest has been received from the public by the Public Service Commission and the company so notified, then formal application may be made to the Public Service Commission for authority to close, remove, suspend, discontinue or abolish such depot, flag stop, station, office or agency as the case may be. Should protest be received, the Public Service Commission will notify the company involved, who may, if desired, ask for a formal hearing in the matter, and the Commission may order such hearing if, in its judgment, it is necessary.

103-15. Discrimination.

All of the various kinds of tickets that may be on sale at any and all other offices of a given railroad company, in any given town or city, shall likewise be kept on sale at the depot ticket office of such railroad company in such town or city, at the same prices.

There shall be no unjust discrimination as to passenger rates in favor of or against any individual or locality; Provided, however, That this rule shall not be so construed as to prevent railroad companies issuing commutation, excursion or mileage tickets as the same are now issued.

Pursuant to Section 58-17-1980, S. C. Code 1976.

103-16. Notice as to Obstructed Trains.

Whenever there is, by reason of accident or otherwise, a break or obstruction on any railroad in this State, which will delay any passenger train on said road, it shall be the duty of said road to have the same bulletined at all stations at and between the said passenger train and the place so obstructed, and the conductor shall give notice of said obstruction to the passengers in the cars, before leaving the station, and the delay that will probably be caused by the same.

103-17. Repealed by State Register Volume 12, Issue No. 5, eff. May 27, 1988.

103-18. Filing Reports and Furnishing Information.

Each railroad company shall file in the office of the Commission quarterly reports, on or before the last day of the month following the quarter for which the report is made, showing fully and in detail the revenues and expenses of such company during the reporting quarter and cumulatively for the year.

Each railroad company, railroad terminal company, or express agency employing rail services and facilities, shall, on or before the thirty-first day of March of each year file in the office of the Commission an annual report, duly sworn to, showing fully and in detail the operations of such company or agency during the preceding fiscal year, to-wit: From January the first to December the thirty-first, both inclusive.

All of said reports shall be rendered on, and in accordance with, the printed forms that the Commission will prescribe and furnish for that purpose.

In addition to the foregoing, each of said companies or agencies shall furnish such other reports and information as the Commission may require from time to time.

Furthermore, it shall be the duty of each of said companies or agencies to produce, for the inspection of the Commission, any and all books, papers, contracts, agreements and other original records, of any character whatsoever, that may be in possession of said company or agency, or within its power, custody or control, or copies, thereof, as may be demanded and designated by the Commission.

103-19. Stopping Passenger Trains at Stations.

All passenger trains operated in this State shall, at all stations where such trains stop, either upon flag or regular schedule, be brought to a standstill with such relation to the waiting-rooms of the station building, or other passenger facilities at said station, as will render egress from and ingress to said trains most practicable and convenient for the passengers, without reference to the convenient handling of baggage or other freight.

Pursuant to Section 58-17-3070, S. C. Code 1976.

103-20. Conductors on Pullman, Dining Cars, etc. No sleeping car, chair car, parlor car, dining car, or buffet car shall be operated on any line of railroad in South Carolina, when occupied by regular passengers holding proper transportation for the occupancy of such cars, unless such cars are continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating same.

Pursuant to Section 58-17-2710, S. C. Code 1976.

103-21. Rates Applicable to Roads Under One Management or Control.

All connecting railroads, doing business in this State, and under the management or control, by lease, ownership, association or otherwise, of one and the same person, firm, corporation or association, shall, for purposes of transportation, in applying freight and passenger tariffs, be considered as constituting but one and the same road, and the rate shall be computed as upon parts of one and the same road, unless otherwise specified by the Public Service Commission.

Pursuant to Section 58-17-2610, S. C. Code 1976.

103-22. Local Shipments.

All shipments moving locally by rail, between points in South Carolina are subject to rates, rules and regulations as adopted by the Public Service Commission of South Carolina, unless there is issued at the time of shipment at the place the shipment originates, or at the nearest agency station thereto, through interstate bill of lading to the final point of destination of the shipment, or such a bill of lading as may be exchanged for ship's bill of lading at a place of export.

103-23. Joint Rates Defined, Manner of Making Combination Rates.

(a) Joint freight rates are those ordered put in, or authorized, by the Public Service Commission of South Carolina, which rates shall only apply on shipments moving between two points in the State of South Carolina, over two or more railroad routes, not under the same management or control.

(b) In making combination rates between points in South Carolina where no joint rates are in effect, no railroad shall charge more than its maximum rates, less twenty per cent, except that in no case shall the total rate so made be less than the maximum mileage rate for the total short line distance.

(c) In making combination rates, where one or more of the factors are specific point to point or mileage rates lower than the maximum rates prescribed by the Commission and the other factor or factors is the maximum mileage rate, the factor or factors which is the maximum mileage rate is subject to a deduction of twenty per cent except that the total rate so made must not be less than the maximum mileage rate for the total short line distance. Where one or more of the factors are specific point to point rates, or mileage rates voluntarily established by the railroads lower than the maximum rates or scales, such rates will not be subject to a deduction of twenty per cent.

(d) "The maximum mileage rates" are the mileage rates (or scales) prescribed by the Public Service Commission of South Carolina.

(e) Fractions resulting in the deduction from the maximum mileage rate, as required by this rule, shall be disposed of in accordance with the provision of Rule No. 36 of the Uniform Freight Classifications, No. 12, and reissues thereof, before combining the factors which constitute the through rate.

103-24. Rates Between Competitive Points.

Where there are two or more railroad lines between any two points in South Carolina, having through connections, the lowest freight rate established between such points shall be charged by the other lines accepting the freight for transportation between said points.

103-25. Distances for Changing Rates.

Ten miles has been fixed as the usual limit for a change of freight rates in South Carolina, but the railroads may, if they so desire for intermediate distances, adopt rates also intermediate between those given in the tables.

When the distance between stations ends in a fraction of a mile, such fraction, if .5 or over will be counted as a mile. If less than .5 such fraction will not be considered.

Stations not over two miles beyond the upper limits of ten-mile group may be included in such group. The Commission reserves the right, however, to correct the charge in extreme cases which work hardships, although the same may not violate the letter of its rules.

103-26. No Change of Rates Without Approval of the Commission.

The rates fixed or authorized by this Commission are to be regarded as maximum rates, which the railroads shall not exceed, except when specifically authorized by rule or written consent of this Commission. The railroads may adopt lower rates with the consent of the Commission, but if they do so for one shipper or person, they must, for like service, apply the same reduction of rates for all other persons and if they fix less freight rates from one station, they shall make a corresponding reduction of the same per cent, at all stations along the line of road, so as not to discriminate against any person or locality except as provided in 103-25.

103-27. No Discrimination Allowed.

There shall be no discrimination by any railroad company chartered by this State in favor of or against any railroad company with which it may connect, but each road shall deal with all its connections at any one point on the same terms, and shall afford the like customary facilities for the interchange of freight between all of its connections at the same point, any contract, combination, joint ownership or management to the contrary notwithstanding.

103-28. No Rebate Permitted.

No rebate, bonus, drawback or other advantage in any form shall be allowed, directly or indirectly, upon shipments made or service rendered to any person, but the rates shall be the same to all.

103-29. Obligation to Serve.

No railroad shall decline or refuse to transport any article proper for transportation.

103-30. Notice to be Given Before Change of Rates.

Before any rate shall be affixed, established or changed by the Public Service Commission, the railroad company to be affected thereby shall have at least twenty (20) days' notice of the time and place when and where the matter of fixing or changing such rate will be considered by the Commission in session; and said railroad company shall be entitled to be heard at such time and place, to the end that justice may be done.

103-31. When Rates are Effective.

All authorities for rates issued by the Commission may be made effective at once, or as soon after date of issuance as possible, but in no case later than thirty (30) days after the date of the Commission's authority, unless otherwise specified.

103-32. Conflict Between Rates.

Whenever there is a conflict between class and commodity rates, or between mileage rates and commodity rates, for the transportation of freight, between any two points in South Carolina the lowest rate in effect shall be charged.

103-33. Delays in Transportation.

No railroad shall, for any cause, subject any article of freight to unreasonable delay in receiving, delivering or forwarding the same.

Pursuant to Sections 58-17-2710, 58-17-2820, S. C. Code 1976.

103-34. Repealed by State Register Volume 12, Issue No. 5, eff. May 27, 1988.

103-35. Articles Not Classified.

Rates for the transportation of any article not included in the Freight Classification may be assessed as if upon the article most analogous to it in said classification.

103-36. Repairs and Improvements.

Whenever in the judgment of the Public Service Commissioners it shall appear that repairs are necessary upon any railroad in this State, or that any addition to the rolling stock, or that any enlargement of, or improvement in, the stations or station houses, or any changes in the mode of operating the road and conducting its business, is reasonable and expedient, in order to promote the security, convenience and accommodation of the public, they shall give information in writing to the railroad company of the improvements and changes which they adjudge to be proper, and if said company shall fail, within sixty (60) days, to adopt the suggestion of said Commissioners, they will take such legal proceedings, as they may deem expedient.

103-37. Adjusting Overcharges.

Railroad companies shall adjust all freight charges promptly when shipments are delivered, and apply only the legal, published rates and classifications in effect at time shipment moved from point of origin.

Actual weights must be observed in settling charges, unless otherwise, provided for in classification.

If, after settlement is made, an overcharge appears, the railroad company collecting such overcharges shall make proper refund to shipper or consignee when demand is made and said overcharge is shown.

103-38. Rates for Less than Carloads Not to Exceed Carload Rates.

The charge for a less than carload shipment must not exceed the minimum charge for a minimum carload of the same freight at the same rating; provided the loading is done by the consignor and the unloading by the consignee; the charge for a car fully loaded must not exceed the charge for the same lot of freight being taken as a less than carload shipment.

103-39. Repealed by State Register Volume 12, Issue No. 5, eff. May 27, 1988.

103-40. Railroads Required to Furnish Information.

Every railroad corporation operating in this State shall at all times, on request, furnish the Public Service Commissioners any information required by them concerning the condition, management and operation of its railroads.

Pursuant to Section 58-17-1640, S. C. Code 1976.

103-41. Carload and Ton Defined.

A carload shipment is a consignment of at least the specified minimum carload weight of one class of freight, at one time, by one consignor, from one point of consignment to one consignee, at one point of delivery.

A ton is 2,000 pounds unless otherwise provided.

103-42. Assessing Rates Where Not Otherwise Provided for.

Between points where rates are not provided for, the Commission will, on application of shipper, consignee, or railroad interested, make reasonable rates for immediate use, or to correct charges previously assessed for which no rates are published.

103-43. Posting of Rates.

Railroads in this State are required to keep "posted" in all their stations copies of rate schedules with tables showing distances between all stations, applying on their respective roads. It shall be the duty of all such railroads to obtain as needed, from the Public Service Commission, all such schedule of rates, including such changes or revisions as may from time to time be made, and to "post" copies of same as required by law.

103-44. Regulating Charges for Shorter Distances.

The railroads will not be required to regulate their charges for shorter distances by their proportion of through rates between terminal or junctional competitive points.

Pursuant to Section 58-17-2000, S. C. Code 1976.

103-45. Erecting Depots.

All railroads in this State are required to erect within the time specified by the Commission union or other depots at such points as the travel and public interest shall in the judgment of the Commission justify.

Pursuant to Section 58-17-3090, S. C. Code 1976.

103-46. Time Tables.

All railroads in South Carolina shall furnish the Public Service Commission complete time tables covering schedules of all regular trains carrying passengers over their respective roads; and shall furnish new time tables or schedules, whenever changes are made, as soon as such schedules are received from the printer.

103-47. Weighing Carload Shipments.

Any consignee of coal or other articles to be delivered to him in carload lots by any common carrier at any point within the limits of this State where such common carrier maintains track scales or track scales are accessible, shall have the right to demand that such coal or other articles be reweighed before delivered to him by said common carrier, within forty-eight (48) hours after such demand to reweigh the same, and to deliver to such consignee a written or printed or partly written and partly printed statement, showing the true weight thereon, and that where track scales are accessible and whenever practicable, all railroad companies operating in South Carolina are required to weigh all loaded tank cars for shipment of oil on track scales at the station of the initial line, or at the oil mill where such cars are to be loaded and to weigh these cars on same scales when loaded, and issue Bill of Lading therefor with actual weight of the contents of each car inserted thereon. And that weight of cars may be accurately determined, each car shall be weighed separately and uncoupled at each end from other cars upon the request of consignee. Pursuant to Sections 58-17-2310, 58-17-2350, S. C. Code 1976.

103-48. Handling Freight at Non-Agency Stations.

At all non-agency stations the railroads shall load and unload all less than carload shipments. The consignor or consignee shall load or unload all carload shipments. When a shipper at a non-agency station desires to make a carload shipment the order for empty car shall be placed with the conductor or the agent

of the railroad at the nearest station, and said car shall be set off on the siding designated, loaded by the shipper and Bill of Lading issued by the nearest agent of the railroad in the direction the car moves. When a carload shipment is consigned to a non-agency station, the freight charges on which are prepaid, the car shall be set off at that point and unloaded by the consignee. Railroads shall not leave less than carload freight at non-agency stations when there is no one there to receive it if the weather is such as to cause damage, but the same shall be carried to the nearest station for protection and returned at the proper time.

103-49. Handling Freight Cars on First Class Passenger Trains.

No railroad operating trains in South Carolina shall be allowed to handle any freight cars, loaded or empty, on a train that is operated as a first class passenger train, or shown as such in the published time tables of any railroad except by written permission of the Public Service Commission.

103-50. Grain-Cleaning in Transit.

The rate on all movement of grains in South Carolina where grain in transit is stopped at intermediate points for cleaning and grading purposes shall be the present through rate from point of origin to destination, plus 20 per cent for each and every intermediate stop where cleaning and grading is to be done.

Shrinkage on all reshipments from cleaning points will be allowed.

The above rate is intended for an emergency rate.

Grain delivered at local markets for cleaning purposes cannot be substituted for grain in transit which is held at that point for cleaning.

103-51. Milling-in-Transit Rules.

Section 1. Wheat or corn may be shipped from railway stations in South Carolina.

Section 2. To milling points located on the railroads in South Carolina and milled and the product reshipped to stations in South Carolina under the following rules, viz.:

Section 3. Shipments of wheat or corn to be milled in transit must be filled to the milling point at full tariff rates.

Section 4. Original bills of lading and expense bills for wheat or corn (the product of which is to be reshipped), must be surrendered to the railroad's agent at milling point.

Section 5. These bills of lading and expense bills must be cancelled so as to prevent their use a second time.

Section 6. The agent at milling point must keep a ledger account with the mill, which should show the receipts of wheat or corn, and the shipments of each kind of milled product made thereunder.

Section 7. Waybills for the product from milling points must show the original point of shipment of the wheat or corn from which it is milled and the number and date of the waybill upon which it is received at the mill.

Section 8. When the conditions of these rules have been fully complied with the agent at the milling point is authorized to waybill shipments of milled products at the difference between the rate on the wheat or corn into the mill and the rate on the milled product for a distance equal to the sum of the distance from point of origin of the grain (from which milled), to the milling point, plus the distance from the milling point to destination of the milled product, as provided for in local tariff of all railroads.

For example, the agent at Rock Hill, S. C., has a shipment of flour in sacks milled from wheat received from a point 75 miles distant from Rock Hill, to be reshipped to a point 50 miles from Rock Hill. In this instance the total haul is 125 miles. The rate on the wheat into the mill is 19 cents, the rate on the flour in sacks (Class C) for a distance of 125 miles is 27 cents. Shipments should be waybilled from Rock Hill to destination at the difference between the rate on the grain into the mill and the rate on flour in sacks for the combined distance, or 125 miles which is 8 cents per hundred pounds.

103-52. General Rule.

All rules and regulations herein prescribed as applying to railroads are to be regarded as applying, with equal force and effect, to express companies doing business in this State: provided, such application is practicable and does not conflict with the laws of this State or of the United States, nor with the rules and regulations herein distinctly prescribed for the government of express companies.

103-53. Posting Schedules.

All express companies in South Carolina are required to file with the Commission, to print and keep posted at each of their offices in this State, schedules of rates, classification and charges for the carrying of freight, which shall be opened during office hours to public inspection.

103-54. Changes in Rates and Classification.

No change in express rates or classification shall be made until thirty (30) days' notice of such change has been filed or posted at all express offices or agencies in this State, and not until thirty (30) days' notice has been given the Commission and not until the consent of the Commission has been obtained.

103-55. Accidents.

All express companies in South Carolina are required to comply with Section 58-47-3440, S. C. Code 1976, "Giving notice of accidents," and 103-13 of the Public Service Commission, "Accidents."

SUBARTICLE 2.

PRACTICE AND PROCEDURE IN PROCEEDINGS INVOLVING COMMON CARRIERS BY RAIL

103-60 to 103-73. Repealed as of December 31, 1976.

103-60 to 103-73. Repealed as of December 31, 1976.

103-74. Guidelines for Rail Regulation.

The standards and procedures outlined in Order No. 83-146, modified by Order No. 84-207, are hereby adopted as guidelines for all future rail regulation by the Public Service Commission of South Carolina.

ARTICLE 2.

MOTOR CARRIERS

SUBARTICLE 1.

GENERAL

103-100. Authorization of Rules.

1. These rules and regulations are promulgated pursuant to the authority vested in the Commission by the General Assembly by its enactments contained in Articles 1 to 11 of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976, effective July 1, 1976. All previous rules, regulations, and standards are hereby revoked, annulled and superseded.

2. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint or its own motion, or upon the application of any motor carrier. Moreover, these rules shall not relieve in any way either the Commission or the motor carriers of any duties under the laws of this State.

3. These rules and regulations are consistent with Section 601, Pre-emption of Intrastate Transportation of Property, of the Federal Aviation Administration Authorization Act of 1994, enacted on August 23, 1994.

103-101. Application of Rules.

1. Jurisdiction. These rules are for general application and therefore shall apply to any person, firm, partnership, association, or corporation which is now or may hereafter become engaged as a motor carrier for hire within the State of South Carolina except where specifically exempt by statute.
2. Waiver of Rules. These rules are subject to such exceptions as may be considered just and reasonable as ordered by the Commission in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest. They are considered supplementary to the statutes contained in Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976.

103-102. Definitions of Terms.

As used herein, the following terms shall be accorded meaning as indicated:

1. Certificate of PC&N. "Certificate of PC&N" means the certificate of public convenience and necessity authorized to be issued under the provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates of PC&N shall be required of all for-hire passenger carriers, household good carriers (except those operating exclusively within the limits of any municipality), and hazardous waste for disposal carriers. Holders of Certificates of PC&N shall be considered regulated carriers.
2. Certificate of FWA. "Certificate of FWA" means the certificate of fit, willing, and able authorized to be issued under provisions of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976. Certificates of FWA shall be required of all for-hire household goods carriers operating exclusively within limits of any municipality in this State. Holders of Certificates of FWA shall be considered regulated carriers.
3. Certificated Carrier. "Certificated Carrier" means a motor carrier operating under a Certificate of PC&N, a Certificate of FWA, or a Charter Bus Certificate.
4. Commission. "Commission" means the Public Service Commission of South Carolina whose address is 101 Executive Center Drive, Post Office Drawer 11649, Columbia, SC 29211.
5. Common Carrier by Motor Vehicle. "Common Carrier by Motor Vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or property for compensation, whether over regular or irregular routes, except as exempted in Section 58-23-50 and Section 58-23-70 of Code of Laws of South Carolina, 1976.
6. Contract Carrier by Motor Vehicle. "Contract Carrier by Motor Vehicle" means any person which engages in transportation by motor vehicle of property in intrastate commerce for compensation under contracts with one person or a limited number of persons either (a) for the furnishing of transportation service through the assignment of motor vehicles to the exclusive use of each person served, or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer.
7. Corporation. "Corporation" means a corporation, company, association, or joint stock association.
8. Interstate Commerce. "Interstate Commerce" means commerce between any place in a state and any place in another state.
9. STB. "STB" means Surface Transportation Board.
10. Intrastate Commerce. "Intrastate Commerce" means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation within this State for compensation which has been exempted by Congress from federal regulation in interstate or foreign commerce.
11. Motor Carrier. "Motor Carrier" means both a common carrier by motor vehicle and a contract carrier by motor vehicle.
12. Motor Vehicle. "Motor Vehicle" means any vehicle, machine, tractor, semi-trailer, or any combination thereof, which is propelled or drawn by mechanical power and used upon the highways of this State.
13. Motor Vehicle Carrier Law. "Motor Vehicle Carrier Law" means Articles 1 to 11 and 15 of Chapter 23 of Title 58 of the Code of Laws of South Carolina, 1976.
14. Municipality. "Municipality" means any incorporated city or town within the State of South Carolina.

15. Person. "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.
16. Public Highway. "Public Highway" means every improved public highway in this State which is or may hereafter be declared to be a part of the state highway system or any county highway system or a street of any city or town.
17. Rates. "Rates" include rates, fares, tolls, rentals and charges.
18. State. "State" means the State of South Carolina.
19. Tariff. "Tariff" means any schedule or publication showing the rates, fares, charges, rules, regulations, and classifications for the transportation within this State of persons and property.
20. Charter Bus. "Charter Bus" means a motor vehicle carrying 16 or more passengers. However, a limousine shall not be considered to be a charter bus.
21. Charter Bus Certificate. A "Charter Bus Certificate" is a certificate issued to charter bus motor carriers which signifies that the motor carrier has met all of the insurance requirements of the Commission, and all of the safety requirements of the South Carolina Department of Public Safety. A Charter Bus Certificate shall be denominated "Class C-Charter Bus."
22. Limousine. A "Limousine" is a passenger carrier utilizing luxury vehicles and/or vans equipped to carry up to fifteen (15) passengers. A "Limousine" includes sport utility vehicles and town cars.
23. Non-Emergency Vehicle. "Non-Emergency Vehicle" means a vehicle that is used for providing, for a fee or charge, non-emergency transportation, for patients in stable medical condition who may or may not require the use of a walker, crutches, canes, or personal assistant, to scheduled visits to a physician's office or hospital for treatment, routine physical examinations, x-rays or laboratory tests, for transporting patients upon discharge from a hospital or nursing home to a hospital or nursing home or residence, or for other non-emergency purposes. Non-Emergency Vehicles are not equipped with the medical equipment or personnel required for the specialized care provided in an ambulance. "Non-Emergency Vehicle" includes "Wheelchair Van." "Non-Emergency Vehicle" shall not include vehicles owned by facilities that provide such transportation as described above without charging a separate fee for the transportation service.
24. Wheelchair Van. "Wheelchair Van" means a Non-Emergency Vehicle which is modified, equipped and used for the purpose of providing non-emergency medical transportation for Wheelchair Van Patients. These vehicles are specifically designed and modified to load and transport both ambulatory and wheelchair-bound patients in a safe and secure manner.
25. Wheelchair Van Patient. "Wheelchair Van Patient" means a patient whose medical condition is such that the person may be transported safely and securely in a Wheelchair Van. These patients must be transported in a sitting position in a secured wheelchair and/or require a ramp or lift to board the vehicle.
26. Any and all definitions addressed in the Federal Motor Carrier CSA Safety Regulations (Code of Federal Regulations Title 49, Parts 40 and 355-397) (hereinafter known as the CSA Safety Regulations) apply to all Non-Emergency Vehicle regulations.

103-103. Regulated Carriers Must Maintain Copy of Motor Vehicle Carrier Law and Commission's Rules and Regulations.

Every motor carrier regulated by the Commission shall keep at all times in its principal office in South Carolina a copy of these rules and regulations.

SUBARTICLE 2.

CLASSIFICATION OF MOTOR CARRIERS

103-110. Class "A" Motor Carrier - Certificate of Public Convenience and Necessity.

A Class A motor carrier is a common carrier by motor vehicle of passengers, operating over regular routes and upon regular schedules as filed with and approved by the Commission. Class A Certificates of Public Convenience and Necessity for the transportation of passengers shall include the authority to

transport in the same vehicle with the passengers, baggage, express, mail and newspapers, and to transport baggage of passengers in separate motor vehicles when necessary, provided, however, that such articles for shipment shall be originated and terminated at a terminal of the transporting Class A Certificate holder or of some other Class A carrier, and holders of Class A Certificates of Public Convenience and Necessity issued by the Commission may transport special or chartered parties originating along their authorized routes to any point intrastate and return, subject to the Rules and Regulations of the Commission pertaining thereto, provided further, however, that this provision shall not be applicable to Class A Certificates which are restricted. A Class A motor carrier must obtain a Certificate of PC&N from the Commission.

103-111. Class "B" Motor Carrier - Certificate of Public Convenience and Necessity.

A Class B motor carrier is a common carrier by motor vehicle of passengers which does not propose to operate regularly upon a fixed schedule or route and which only desires to operate over a particular route or routes that are not already served by one or more Class A motor carriers. A Class B motor carrier must obtain a Certificate of PC&N from the Commission.

103-112. Class "C" Motor Carrier - Certificate of Public Convenience and Necessity.

A Class C motor carrier is a common carrier by motor vehicle of passengers, generally known as "taxi cabs," "charter buses," "charter limousine," and "non-emergency vehicles," which does not operate over regular routes or upon regular schedules, and which does not, in any way, solicit or receive patronage outside of the radius of two miles of the corporate limits of the city in which it is licensed to do business, except upon such highways as are not served by a Class A or B motor carrier. A Class C motor carrier must obtain a Certificate of PC&N from the Commission, except "charter buses," which must obtain a Charter Bus Certificate.

103-113. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-114. Class "E" Motor Carrier - Certificate of Public Convenience and Necessity.

A Class E motor carrier is a common carrier of property (household goods or hazardous waste for disposal) by motor vehicle including a motor vehicle containing goods packed by a packing service. A Class E motor carrier must obtain either a Certificate of PC&N or FWA from the Commission.

103-115. Class "F" Motor Carrier - Certificate of Public Convenience and Necessity.

A Class F motor carrier is a contract carrier by motor vehicle of hazardous waste for disposal which operates over irregular routes and upon irregular schedules under contract as filed with and approved by the Commission and which does not solicit or receive patronage along any such routes. No motor carrier after July 1, 1976, will be allowed to acquire more than one Class F Certificate, and each Class F Certificate issued may not have more than three contracts attached thereto at any one time. A Class F motor carrier must obtain a Certificate of PC&N from the Commission.

103-116 to 103-119. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-116 to 103-119. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-116 to 103-119. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-116 to 103-119. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

SUBARTICLE 3.

EXEMPTIONS FROM REGULATIONS

103-120. Motor Carriers Exempt from Economic Regulations.

These rules shall not be construed to apply to:

1. Motor vehicles while used exclusively for transporting persons to and from elementary, middle, or high schools, Sunday schools, churches, or religious services, or to or from church picnics or upon special prearranged church excursions;
2. Vehicles used in ridesharing.

103-121. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-122. Further Exemptions.

1. The Commission does not have jurisdiction over motor carriers solely:
 - a. Carrying on the business of transporting passengers or property within the limits of any municipality in this State, (except carriers of household goods);
 - b. Transporting passengers to or from state institutions located in Richland County;
 - c. Transporting passengers within a distance of ten miles from the limits of municipalities in Chester and Lancaster Counties when substantially all of the passengers are workers in industrial plants, eighty percent of the production of which is for defense materials;
 - d. Having a seating capacity of twenty or more passengers which are operated within ten miles from the limits of any municipality with a population of seventy thousand or more inhabitants, according to the United States Census for 1940, by any electric utility company which regularly provides transportation service within the municipality itself. Item (d) does not permit the substantial duplication of any franchise or license in effect at the time service is undertaken by the electric utility company; or
 - e. Used by a county to transport passengers or property.
2. Additionally, the Commission does not have jurisdiction over any class of for-hire operations which has been or hereafter may be specifically exempted in the Code of Laws of South Carolina.

SUBARTICLE 4.

APPLICATION PROCEDURES FOR CERTIFICATES

103-130. Applications Required.

Any person desiring to operate in this State as a motor carrier for hire first shall file an application for the type of certificate needed (Certificate of PC&N, Certificate of FWA, Charter Bus Certificate) with the Commission on forms to be furnished by the Commission. All required information on the application forms must be correctly completed before filing of such application will be accepted.

103-131. Responsibility Fixed.

Applications will not be accepted from two or more persons operating under a trade name unless organized in a manner that will definitely fix responsibility. If a corporation, a photocopy of the corporate charter must accompany the application.

103-132. Publication of Notice of Filing.

Public notice will be given when any application for a Certificate of PC&N or FWA or to amend a Certificate of PC&N or FWA has been filed with the Commission, except for applications seeking a Class C Certificate of PC&N. Such notice must be published in newspapers of general coverage in the affected territory, must be in the form prescribed by the Commission, and must be published at the applicant's expense. All publication requirements must be complied with and affidavits of publication must be returned to the Commission's offices prior to a hearing date being set. If required, a hearing is set and all parties of record will be notified of the hearing date, time, and place. An applicant seeking a Class C Certificate to operate vehicles will not be required to publish a notice of filing.

103-133. Proof Required to Justify Approving an Application. 1. PC&N (Household Goods or Hazardous Waste for Disposal). An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be

approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses. If the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate or the Commission determine that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

2. FWA. An application for a Certificate of FWA to operate as a carrier of household goods within the limits of a municipality may be approved upon a showing that the applicant is fit, willing, and able to perform the proposed service, as delineated by the criteria for fit, willing, and able set out in 103-133 (1)(a),(b), and (c) above. No showing as to the public convenience and necessity need be made.

3. For Contract Carrier Authority.

a. If the application is for a Class F Certificate of PC&N to operate as a contract carrier of hazardous waste for disposal or is for an amendment or addition thereto, two copies of the written bilateral contract between the supporting shipper and the applicant must accompany the application setting forth the services proposed, the rates and charges, the duration of the contract, the parties thereto, the territory to be served, and the commodities to be hauled.

b. An application for a Class F Certificate of PC&N to operate as a contract carrier or an addition thereto may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses, or by such other methodology as may be approved by the Commission, other than the testimony of the applicant. If the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. (To determine whether a carrier is fit, willing, able, see R. 103-133(1).)

c. Once a contract with a particular shipper is approved by the Commission, that contract may be renewed periodically by merely filing two copies thereof with the Commission, provided, however, that in no event will the renewal contract alter in any way the commodities authorized to be hauled or the territory authorized to be served. Any alteration of contract terms or rates must also receive the specific approval of the Commission which may or may not require notice .

4. PC&N (Passengers).

An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of passengers by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, provided however, if an intervenor shows or if the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application. The following criteria should be used by the Commission in

determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate or the Commission determine that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant and that applicant is financially fit to do business as a certified carrier. The applicant should further certify that he is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that he has either purchased, leased, or otherwise arranged for obtaining necessary equipment to provide the service for which he is applying. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able", the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

5. Charter Bus Certificate. An application for a Charter Bus Certificate or to amend a Charter Bus Certificate to operate as a carrier of 16 or more passengers by motor vehicle may be approved upon a showing that the applicant meets the insurance requirements of the Commission and the safety requirements of the South Carolina Department of Public Safety.

6. PC&N (Non-Emergency Vehicles).

In addition to meeting the requirements set out in 103-133(4) above, applicants for a Certificate of PC&N for non-emergency vehicles must meet the following requirements:

A. Driver Qualifications/Requirements

1. Carrier must comply with Part 391-Qualifications of Drivers, CSA Safety Regulations, excluding 391.49, in addition to the following requirements:

a. Driver must possess at least a current American Red Cross Standard First Aid and CPR Certificate or its equivalent. Records of such must be kept on file at company's primary place of business within South Carolina.

b. Driver must be in compliance with all OSHA regulations.

c. Driver must be adequately trained in the use of all vehicle installed safety equipment such as two-way radios, first aid kits, fire extinguishers, and other equipment as outlined in the Vehicle Requirement Section of these Regulations.

d. Driver must be able to physically perform actions necessary to assist persons with disabilities, including wheelchair users.

e. Driver must wear a professional uniform and photo identification badge that easily identifies the driver and the company for whom that driver works.

f. Driver must complete 12 hours of in-service training annually in the area of safety. Records of such must be kept on file at company's primary place of business within South Carolina.

B. Vehicle Requirements

1. Any vehicle purchased on or after the effective date of these regulations shall comply with the following vehicle requirements. The Applicant must certify on a Commission prescribed form that its vehicles meet, at a minimum, the following standards.

a. All Non-Emergency Vehicles shall be equipped with at least the following:

(1) Approved seat belt assemblies for all passenger seating locations.

(2) Interior and exterior lighting which must meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R. In addition, all standard motor vehicle equipment must be in working order (i.e. all lamps, windshield wipers, horn, emergency flashers/hazard lights, and all other standard motor vehicle equipment.)

(3) Locking devices for all doors and all door latches which shall be in operation from inside and outside on all vehicles manufactured and first registered after January 1, 1980.

(4) Foot stool or extra step for loading.

- (5) Sanitary and functional seat covers.
- (6) Spare wheel, jack and tire tools necessary to make minor repairs, except when operating service cars are immediately available.
- (7) Current maps of streets in the area where service is provided.
- (8) Fire extinguisher, Type 4-B;C dry powder or carbon dioxide, inspected annually. Proof of annual inspection shall be attached to each fire extinguisher.
- (9) Identification display of the name under which the Non-Emergency Vehicle is doing business or providing service, on both sides and the rear of each such vehicle in letters that contrast sharply with the van's background and are easily read from at least 20 feet. All Non-Emergency Vehicles operated under the same certificate shall display the same identification.
- (10) Exterior rearview mirrors affixed to both sides of the vehicle and in working order. There may not be any chips, cracks, or anything else that limits the driver's view.
- (11) A two-way radio, mobile or cellular phone equipment which shall be included in the vehicle while patients are being transported. All two-way radios must be in contact with a dispatcher or someone acting as a dispatcher, i.e., must have instant access to standard phone lines and the ability to summon immediate police, fire or ambulance assistance, if needed.
- (12) A "No Smoking" sign prominently displayed in the patient compartment if oxygen tanks, whether patient tanks or vehicle equipment, are carried. If oxygen tanks are carried, they must be readily accessible and securely stored.
- (13) Heating and cooling systems which meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R.
- (14) Emergency warning devices.
- (15) Any other emergency and safety equipment required in order to meet ADA requirements set forth in Title 49, Parts 37 and 38 C.F.R.

b. In addition to the requirements of subsection (a) above, all wheelchair vans shall be equipped with at least the following:

- (1) A loading entrance in compliance with ADA requirements and standards.
 - (2) Fasteners to secure the wheelchair(s) or stretcher(s) to the vehicle which must be of sufficient strength to prevent the chair or stretcher from rotating and to prevent the chair or stretcher wheels from leaving the floor in case of sudden movement and to support chairs, stretchers and patients in the event the vehicle is overturned.
 - (3) A lift or ramp with a load capacity as specified by ADA requirements and standards.
2. Any vehicle manufactured after the effective date of these regulations shall comply with the vehicle requirements set forth in Title 49, Parts 37 and 38 C.F.R. and FMVSS.

C. Vehicle Maintenance Requirements

All carriers must comply with Part 396-Inspection, Repair, and Maintenance of CSA Safety Regulations, excluding 396.9, 396.11(d) as to the last phrase "or to any motor carrier operating only one motor vehicle", and excluding 396.15.

D. Drug Testing Requirements

All carriers must implement a verifiable drug testing program for drivers. Pre-employment, post-accident, and random drug screens shall be mandatory.

E. Minimum Periodic Inspection Standards

1. All carriers must comply with Appendix G to Subchapter B-Minimum Periodic Inspection Standards of CSA Safety Regulations.
2. A vehicle does not pass inspection if deficient under any standard included in 1 above. Further, a vehicle does not pass an inspection if any defects or deficiencies are detected with reference to the wheelchair lift or any component relating to the loading of passenger or patient into the vehicle.
3. All carriers are subject to the regulations found in Part 396, CSA Safety Regulations. In addition, any Public Service Commission representative or any officers, drivers, agents, representatives, and employees directly concerned with the inspection or maintenance of motor vehicles may recommend that a vehicle be put "out of service" for defects or deficiencies detected with reference to Appendix G to Subchapter

B-Minimum Periodic Inspection Standards and defects or deficiencies detected with reference to the wheelchair lift or any component relating to the loading of a passenger or patient into the vehicle.

F. Schedule of Minimum Insurance Limits

1. Insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

- a. Liability Combined Each Occurrence \$1,000,000
- b. Medical Payments/Each Person \$1,000

103-134. When Hearing May Be Held.

When an application for a Certificate of PC&N is submitted and there is no opposition, the Commission may hold a hearing if it deems necessary for the purpose as it shall determine, including the issue of fitness, willingness, or ability of the applicant to appropriately perform the proposed service, or the issue of whether the public convenience and necessity are already being served. When an application for a Certificate of FWA is submitted and there is no opposition, a hearing may be held if necessary, but the issue of whether the public convenience and necessity is already being served shall not be considered.

103-135. Sale, Lease or Other Transfer of a Certificate of PC&N or FWA.

1. Application Required. Application for approval of sale, lease or other transfer of a Certificate of PC&N or FWA shall be filed with the Commission on forms provided by the Commission. No application is deemed filed until all the required information is completed and all the appropriate signatures obtained.

2. Application to Lease a Certificate of PC&N or FWA. If the application is for approval of a lease of a certificate, a copy of the proposed lease agreement must be filed with the application and must contain the entire agreement between the parties. Only one entity may operate at a time per certificate.

3. Application to Sell or Otherwise Transfer a Certificate of PC&N.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. No sale or other transfer of a Certificate of PC&N shall be approved by the Commission until the transferor (seller) has filed with the Commission a statement under oath showing (1) all assets of the holder of the certificate to be sold, (2) all debts and claims against the transferor (seller) of which such seller has any knowledge or notice, (3) wages due employees of the transferor (seller), (4) unremitted COD collections due shippers, (5) claims for loss of or damage to goods transported or received for transportation, (6) claims for overcharges on property transported, and (7) interline accounts due other carriers. There also shall be filed with the Commission a verified statement from the transferee (purchaser) or an authorized agent or officer thereof, guaranteeing the payment of all just obligations as listed in the sworn statement of the seller. This subsection shall not be applicable to sales by personal representatives of deceased or incompetent persons, receivers, or trustees in bankruptcy under court order.

4. Proof Required. The Commission shall approve an application for lease, sale, or other transfer of a Certificate of PC&N made under this section upon finding (1) that sale, assignment, pledge, transfer, change of control, lease, merger, or combination thereof will not adversely affect the service to the public under said certificate, (2) that the person acquiring said certificate or control thereof is fit, willing, and able to perform such service to the public under said certificate, and (3) that all services under said certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale, lease or transfer of said certificate, or, in lieu thereof, that any suspension of service exceeding thirty (30) days shall have been approved by the Commission, seasonal suspensions excepted. No sale, lease, transfer,

assignment, or hypothecation of a Certificate of PC&N will be approved where such action would be destructive of competition or would create an unlawful monopoly.

If the application does not contain evidence that the authorized services have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application, the application may be denied,

5. Dividing Operating Rights Prohibited. Without prior approval of the Commission, operating may not be split or divided and thereafter sold, transferred, assigned, mortgaged, pledged, or hypothecated by the sale of stock or otherwise.

6. It is unlawful for any person to sell, lease, or otherwise transfer a Certificate of PC&N issued or authorized to be issued after July 1, 1983, under the provisions of Chapter 23 of Title 58 for money, goods, services, or any other thing of value. A certificate may be transferred incident to the sale or lease of property or assets owned or used by a regulated motor carrier, provided the approval of the Commission for the transfer of the certificate is first obtained and that the certificate itself is not transferred for value or utilized to enhance the value of other property transferred. Nothing herein shall affect the sale, lease, or otherwise transfer of a certificate of public convenience and necessity issued prior to July 1, 1983.

7. Application to sell or otherwise transfer a Certificate of FWA.

a. If the application is for approval of a sale or other transfer of a certificate, a copy of the proposed sales or other transfer agreement must be filed with the application and must contain the entire agreement between parties, including (1) an accurate description of the operating rights and other property to be transferred, and (2) the purchase price agreed upon and all the terms and conditions with respect to the payment of the same.

b. The transferee must show that it is fit, willing, and able as per these regulations.

103-136. Protest. Protest Served on Commission and Applicant. The original and any accompanying documents of the protest must be deposited in the United States Mail addressed to the Commission or delivered to the Commission within the time established for filing protests, and it must appear in some statement attached to the protest that a copy thereof has been deposited in the United States Mail, addressed to the applicant postage prepaid or delivered to the applicant, and a copy sent to his attorney, if any, appearing in the notice of filing.

103-137. Amendments.

An applicant may amend the authority or relief sought in his application any time prior to the end of any hearing held in connection with such application, provided that no amendments will be accepted which tend to enlarge the scope of the applied for authority or relief.

103-138. Restrictions, Limitations, and Terms.

1. Restrictions, limitations, and terms will not be attached to any Certificate of PC&N unless they are reasonable and are required by public convenience and necessity.

2. The Commission is not, and cannot be, bound by restrictions agreed to by the parties unless approved by the Commission, and no agreement shall be approved which achieves results inconsistent with the public interest and inimical to practical and effective regulation.

103-139. Processing of Application by Applicant.

Without good cause shown, any application for a Certificate of PC&N, FWA, or a Charter Bus Certificate submitted but not processed in compliance with the Commission's instructions by the applicant within 90 days of receipt of the notice of filing, may be dismissed.

SUBARTICLE 5.

OPERATIONS OF CERTIFICATED MOTOR CARRIERS

103-150. Beginning Operations Under a Certificate.

1. Beginning Operations Under a Certificate of PC&N.

a. Registration, Insurance, and Tariffs Required. An Order of the Commission, approving an application for a Certificate of PC&N, or the issuance of a Certificate of PC&N does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

1. Registering its power units with the Commission;
2. Filing insurance or surety bond with the Commission in the required amounts covering its rolling equipment for the protection of the public;
3. Filing tariffs and schedules of rates, fares, and charges to be made for the transportation service authorized; and
4. Undergoing the required inspection of vehicles and facilities. (Household Goods and Hazardous Waste for Disposal.)

b. Must Begin Operations Within 90 Days. Unless a motor carrier complies with the foregoing requirements and begins operating as authorized within a period of ninety (90) days after the Commission's order approving the application becomes final, and unless the time is extended in writing by the Commission upon written request, the operating rights therein granted will cease.

2. Beginning Operations Under a Certificate of FWA. An order of the Commission approving an application for a Certificate of FWA or the issuance of a Certificate of FWA does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

- a. Filing evidence of an acceptable safety rating.
- b. Filing insurance or surety bond with the Commission in the required amounts covering its rolling equipment for the protection of the public.
- c. Undergoing the required inspection of vehicles and facilities.

3. Beginning Operations under a Charter Bus Certificate.

An order of the Commission approving an application for a Charter Bus Certificate or the issuance of a Charter Bus Certificate does not within itself authorize a carrier to begin operations. Operations are unlawful until the carrier has complied with the law by:

- a. Filing evidence of an acceptable safety rating.
- b. Filing insurance or surety bond with the Commission in the required amounts covering its rolling equipment for the protection of the public.

103-151. Registration of Power Units.

1. Registration and License Fee Required. Before beginning operations as a motor carrier, all power units to be used in the operation must be registered with the Commission by completing the appropriate forms as provided by the Commission and by paying the appropriate license fees as set forth in Article III of the Motor Vehicle Carrier Law.

2. Adding Power Units to Operation. New or additional power units may be added to an operation at any time by appropriately registering the power unit and paying the appropriate license fee.

3. Transferring Permit Cards and Decals. The permit card for a power unit may be transferred to another power unit upon presentation of the vehicle permit card to the Commission and payment of the additional permit fee, if any, provided however, a tractor permit card may not be transferred to a truck. No refund of fees will be made in transferring vehicle permit cards and decals. Transferring license permit cards and decals between vehicles without the prior approval of the Commission is prohibited.

4. Power Units to Be Re-registered. All registered power units to be continued in service must be re-registered each year as follows:

Motor carriers transporting passengers must re-register the power units used in their operations and must pay the appropriate license fee, semiannually, in advance, on or before January 1 and July 1 of each year.

103-152. Registration of Power Units Domiciled in South Carolina by Interstate Motor Carriers of Passengers.

Any for-hire motor carrier transporting passengers in interstate commerce which desires to domicile or base any power units in South Carolina, whether owned, leased, or otherwise obtained, must first apply for authorization from this Commission corresponding to the type operation which it proposes to conduct. Where it is shown that the motor carrier has STB authority to perform the transportation service proposed, that the motor carrier proposes to transport only interstate movements of passengers that have been exempted from STB regulation, or that the motor carrier proposes to haul only interstate shipments of property or passengers within STB exempt zones, the Commission will approve the application without hearing and issue to the motor carrier the appropriate authorization, and thereupon, the motor carrier shall register its power units based, domiciled, or located in this State in accordance with the provisions of 103-151 and file evidence that the public is protected from bodily injury or property damage as provided in Subarticle 6.

103-153. Marking or Identification of Vehicles.

1. Marking of Vehicles Required. No carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name, or trade name, place of principal office, and PSC I.D. number appear on both sides of such vehicle in letters and figures not less than three (3) inches high.

SAMPLE: Richard Skinner Trucking Company
Nichols, South Carolina
SCPSC #1234

2. Legible Placards or Printing May Be Used. The marking required may be printed on the vehicle or on legible placards securely fastened on both sides of the vehicle. In case of tractor-trailer units, the markings must appear on the tractor. Every vehicle used by a carrier in his operation whether owned, rented, leased, or otherwise obtained must be marked or identified as provided herein.

3. Marked as Required by the STB. If the carrier is engaged in both interstate and intrastate commerce and is marked as required by the STB, then the carrier will be deemed to be in full compliance with this Commission's requirements.

103-154. License Decals and Vehicle Permit Cards.

All motor vehicles, including substitute or emergency vehicles operated under a Certificate of PC&N, shall have maintained in such vehicles a permit issued by the Commission, and passenger vehicles shall have displayed on the front windshield of the power unit of such vehicles the license decals as issued by the Commission upon proper registration of the vehicle.

103-155. Transfer of Certificate of PC&N or Certificate of FWA Without Commission Approval Prohibited.

No certificate or rights thereunder shall be sold, assigned, leased, transferred, mortgaged, pledged, or hypothecated, by the sale of stock or otherwise, unless first authorized by the Commission as provided in 103-135.

103-156. Unauthorized Use of Operating Rights Prohibited.

All motor carriers will be held to strict account for the use of their operating rights, and to permit the use of the same by others for the transportation of persons or property for compensation without prior approval of the Commission shall be deemed just cause for the revocation of such rights. This rule positively forbids the party to whom operating rights have been granted from permitting others to use the name or operating authority of such party without prior approval of the Commission, or until execution of a proper lease agreement as described in R. 103-220.

103-157. Duplication of Authority.

No motor carrier hereafter will be allowed to acquire any authority which duplicates in whole or in part authority which it presently owns. However, a carrier may acquire additional authority which duplicates his present authority in part, provided the duplicating portion of the authority acquired is omitted.

103-158. Issuance of Bills of Lading.

All holders of Certificates of PC&N and FWA, upon receipt of freight, shall issue and deliver, or cause to be issued and delivered, to the shipper a bill of lading or other documentation approved by the Commission. All bills of lading shall comply with, be governed by, and have the consequences stated in the Uniform Commercial Code of South Carolina and any other applicable and effective provisions of the statutes. All carriers, shippers, consignees, and any lease operators involved in a shipment shall keep a copy of the bill of lading for a minimum of three years.

103-159. Contents of Bills of Lading.

Each bill of lading shall show at a minimum the following information:

1. The name of issuing carrier;
2. The date the shipment was received by the carrier;
3. The name and address of the consignor/shipper;
4. The points of origin and destination;
5. The name and address of the consignee/receiver;
6. Declaration of valuation (motor carriers of household goods);
7. The weight, volume, or measurement of the property tendered and received for transportation according to the lawfully applicable rates and charges shown separately by classification;
8. If it relates to a C.O.D. shipment, the amount of the C.O.D. and the name of the individual, corporation, or association who is actually to pay the C.O.D. (see R. 103-163);
9. Public Service Commission identification number;
10. Financial responsibility information as to insurance coverages;
11. The number of the bill of lading, as numbered consecutively in each motor carrier's own series at the time of printing;
12. Any accessorial or additional service charges in detail, giving size, and kind of equipment, the number of men and total hours of extra labor, and equipment services provided;
13. The permit number when such permit is required by law;
14. Rate per hundred weight or rate per hour, whichever is applicable (motor carriers of household goods); and
15. Base liability amount of the carrier for its cargo.

103-160. Issuance of Bills of Lading.

All holders of Certificates of PC&N and FWA shall issue a bill of lading or other documentation approved by the Commission covering each shipment transported or service performed. A combination bill of lading and freight or expense bill or invoice may be issued if it shows all of the information required in 103-159. All carriers, shippers, consignees, and any lease operators involved in a shipment shall keep a copy of the bill of lading for a minimum of three years.

103-161. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-162. Bill of Lading to Accompany Shipment.

Each shipment by a freight carrier holding a Certificate of PC&N or FWA must be accompanied by the bill of lading relating thereto, another descriptive instrument which provides the information required by R.103-161, or some other procedure authorized by the Commission. If two or more trucks are used to transport a single shipment, a separate bill of lading or descriptive instrument must accompany the portion of the shipment contained in each of the trucks and each such bill of lading or descriptive instrument must

show, with respect to that portion of the shipment which it accompanies, all information required by 103-159, and must refer specifically to the bill of lading which covers the entire shipment.

103-163. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-164. Suspension of Operations.

Any suspension of the operations authorized by a duly issued certificate for a period in excess of thirty (30) days may be approved by the Commission upon written application of the motor carrier, filed in accordance with 103-830, et seq. Such application must state clearly and concisely the justification for the proposed suspension of service.

An application for suspension for a period in excess of twelve (12) months, or an application for suspension which, if approved, would result in the continuous suspension of service (e.g., where an approved suspension is in effect at the time the application is filed) for a period in excess of twelve (12) months, may be approved by the Commission after such notice, if any, that the Commission deems appropriate.

SUBARTICLE 6.

INSURANCE POLICIES AND SURETY BONDS

103-170. Insurance Policy or Surety Bond Required. 1. Before any certificate can be issued and before any motor carrier operations can be conducted thereunder, the motor carrier must file with and have accepted by the Commission evidence of insurance policy or surety bond from an insurance company licensed or admitted to do business in South Carolina in the amounts hereinafter prescribed, which policy or bond shall be conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or death of any person and/or for loss of or damage to property of others resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the Motor Vehicle Carrier Law, regardless of whether the policy or bond specifically describes such motor vehicle or not. Upon failure of the insurance or bonding company to pay any such final judgment recovered against the insured, the judgment creditor may maintain an action in any court of competent jurisdiction against the insurance or bonding company to compel such payment. The bankruptcy or insolvency of the insured shall not relieve the insurance or bonding company of any of its obligations hereunder. The liability of the insurance or bonding company shall extend to such losses, damages, injuries, or deaths whether occurring on the route or in the territory authorized to be served by the insured or elsewhere within the boundaries of South Carolina. The liability of the insurance or bonding company on each motor vehicle whether such vehicle is specifically described in the policy or bond or not shall be a continuing one notwithstanding any recovery thereunder. Furthermore, nothing contained in the policy or bond or any endorsement attached thereto, nor the violation of any of the provisions of the policy or bond or of any endorsement attached thereto, shall relieve the insurance or bonding company from liability under the policy or bond or from the payment of any final judgment recovered against the insured.

2. Notwithstanding the language in Regulation 103-170(1), the Commission shall accept evidence of an insurance policy, surety bond, or other insurance, including self-insurance, or any other evidence that the public is protected from bodily injury or property damage, which has been filed with and accepted by the STB, in lieu of an insurance policy or surety bond from a company licensed or admitted to do business in South Carolina. The provisions of this regulation shall apply only in the case where the carrier is operating on an interstate basis only.

103-171. Filing Evidence of Bodily Injury and Property Damage Insurance Policy or Surety Bond

1. Evidence of Insurance Filed on Form E. Filing evidence of bodily injury and property damage insurance will be made on Form E, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance." (See Form E in 103-280 Appendix.) The policy or a copy thereof will not be accepted for filing in lieu of Form E.

2. Form F must be attached to Policy. The "Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement," Form F (see Form F in 103-280 Appendix), must be attached to the bodily injury and property damage insurance policy itself. Form F thereby amends the terms of such policy to conform the policy with requirements not less than those expressed in 103-172 and with other applicable provisions of these rules.

3. Evidence of Surety Bond Filed on Form G. Filing evidence of bodily injury and property damage surety bond will be made on Form G, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond" (see Form G in 103-280 Appendix), which insures compliance with limits not less than those in 103-172 and with other applicable provisions of these rules.

103-172. Schedule of Minimum Limits.

Insurance policies and surety bonds for bodily injury and property damage will have limits of liability not less than the following:

| MOTOR CARRIERS, KIND OF EQUIPMENT & CAPACITY | LIABILITY LIMITS | | |
|---|------------------|--------------|-------------|
| PASSENGER | | | |
| 1 to 7 Passengers | \$25,000.00 | \$50,000.00 | \$10,000.00 |
| 8 to 15 Passengers | \$25,000.00 | \$100,000.00 | \$10,000.00 |
| 16 or More Passengers | \$25,000.00 | \$300,000.00 | \$10,000.00 |

FREIGHT (All motor vehicles used in the transportation of property.)

- 1. 10,000 OR MORE POUNDS GVWR.
 - a. NON-HAZARDOUS \$750,000 per incident
 - b. HAZARDOUS \$5,000,000 per incident

(Hazardous substances, as defined in 49 CFR 171.8; Class A or B explosives; liquefied compressed gas or compressed gas; or highway route controlled radioactive materials as defined in 49 CFR 171.455.)

- c. HAZARDOUS \$1,000,000 per incident

(Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 172.101 but not mentioned in 1.(b) or 2.(b).)

- 2. LESS THAN 10,000 POUNDS GVWR.
 - a. NON-HAZARDOUS \$500,000 per incident
 - b. HAZARDOUS \$5,000,000 per incident

(Any quantity of Class A or B explosives or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.)

103-173. Cargo Insurance or Surety Bond Required of Motor Carrier.

1. Terms of Insurance or Bond and Minimum Limits. Before any Class E Certificate can be issued and before any motor carrier operations can be conducted thereunder, the Class E motor carrier must procure a cargo insurance policy or cargo surety bond from an insurance company licensed or admitted to do business in this state and file with the Commission evidence of such insurance or bond on forms prescribed by the Commission, such policy or bond being conditioned upon such carrier making compensation to shippers or consignees for loss of or damage to all property belonging to shippers or consignees which comes into the possession of such carrier in connection with its transportation service within South Carolina, regardless of whether the policy or bond specifically describes the motor vehicle or not. Within the limits of liability herein after set forth, it is further required that no condition, provision, stipulation, or limitation contained in the policy or bond or in any endorsement thereon or violation thereof shall affect in any way the right of any shipper or consignee, or relieve the insurance or bonding company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial responsibility or lack thereof or insolvency or bankruptcy of the insured. Moreover, the liability of the insurance or bonding company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the insured or elsewhere in South Carolina. Furthermore, the liability of the insurance or

bonding company for the following minimum limits shall be a continuing one notwithstanding any recovery hereunder:

- a. For loss of or damage to property carried on any one motor vehicle \$2,500.00
- b. For loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place \$5,000.00

2. Carriers of Extremely Low Valued Commodities Excepted.

Motor carriers who possess authority to haul only commodities of extremely low value are not required to comply with the provisions of this rule.

103-174. Filing Evidence of Cargo Insurance or Surety Bond.

1. Evidence of Cargo Insurance Filed on Form H. Evidence of cargo insurance will be filed on Form H, "Uniform Motor Carrier Cargo Certificate of Insurance." (See Form H in 103-280 Appendix.) The policy or a copy thereof will not be accepted for filing in lieu of Form H.

2. Form I Must be Attached to Cargo Policy. The "Uniform Motor Carrier Cargo Insurance Endorsement," Form I (see Form I in 103-280 Appendix), must be attached to the cargo insurance policy itself. Form I thereby amends the terms of such policy to conform with requirements not less than those expressed in 103-173 and with other applicable provisions of these rules.

3. Evidence of Surety Bond Filed on Form J. Evidence of cargo surety bond will be filed on Form J, "Uniform Motor Carrier Cargo Surety Bond" (see Form J in 103-280 Appendix), which insures compliance with the terms of 103-173 and with other applicable provisions of these rules.

103-175. Revocation of Certificate.

Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.

103-176. Cancellation of Insurance or Surety Bond.

1. Thirty (30) Days' Notice Required. Any insurance company, surety bond company, or motor carrier which desires to cancel a policy or bond issued to a motor carrier subject to these rules can do so only after giving this Commission not less than thirty (30) days notice. The thirty (30) days will begin to run once the notice is received in the Commission's offices.

2. Form K or Form L Used to Give Notice of Cancellation. Notification of cancellation will be made on forms prescribed by the Commission. Form K, "Uniform Notice of Cancellation of Motor Carrier Insurance Policies" (see Form K in 103-280 Appendix), will be used to notify the Commission of cancellation of an insurance policy, and Form L, "Uniform Notice of cancellation of Motor Carrier Surety Bonds" (see Form L in 103-280 Appendix), will be used to notify the Commission of cancellation of a surety bond.

103-177. Name of Insured.

Certificates of insurance and surety bonds shall be issued in the full and correct name as that name appears on the application or certificate of the motor carrier.

103-178. Number of Copies Required.

Certificates of insurance, notices of cancellation, and surety bonds must be filed with the Commission in triplicate.

103-179. Coverage to be Continuous.

Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated.

103-180. Commission to Prescribe Forms.

Endorsements for policies of insurance and surety bonds, certificates of insurance, and notices of cancellation will be in the form prescribed and approved by the Commission.

103-181. Workers' Compensation Insurance.

Holders of Class E and Class F Certificates shall obtain Workers' Compensation Insurance in a manner uniform with the laws of this State.

SUBARTICLE 7.

TARIFFS

103-190. Tariffs Must be Approved Before Commencement of Operations.

1. No motor freight carrier who operates under a Certificate of PC&N may operate or perform any service under its operating authority until rates, fares, charges, classifications, and rules for the services to be performed shall have been approved by the Commission.

2. All tariffs for motor carriers of household goods will include charges and references to the following services (if appropriate for the particular move):

a. Transportation Charges

b. Additional Services

1. Bulky Article Charges

2. Elevator or Stair Carry

3. Excessive Distance or Long Carry Charges

4. Packing and Unpacking

5. Labor Charges Regular and Overtime Charges

6. Piano Charges

7. Pick-Up and Delivery Extra

8. Waiting Time

9. Articles, Special Serving

c. Rules and Regulations

1. Claims (to include time frames for settlement)

2. Value, Declaration of

(i) Basic Amount

(ii) Insurance for Excess

3. Value, Excess

4. Computing Charges

5. Governing Publications

6. Storage-in-Transit

7. Bill of Lading, Contract Terms, and Conditions

103-191. Commission to Establish Rates, etc.

1. The Commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.

2. As often as circumstances may require, the Commission from time to time may change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

3. Carriers of hazardous waste for disposal and holders of a Class C Certificate need only file maximum rates with the Commission.

103-192. Rates Must be Just and Reasonable.

Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N, or by any two or more motor carriers jointly, shall be just and reasonable as set forth in R.103-194.

103-193. Hearing and Publication on New Rate Schedule.

1. When Hearing Held. Whenever there shall be filed with the Commission any tariff stating a new individual or joint rate, fare, charge, rule, or classification for the transportation of passengers or property by motor carrier operating under a Certificate of PC&N or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission, upon complaint of any interested party or upon its own initiative, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, may enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such rule, regulation, or practice.

2. When Publication Required. Whenever any new or changed rate, fare, charge, rule, or classification is filed, the Commission may, in its discretion, require the filing party or parties to give notice of such filing by publishing once, a notice in the form prescribed by the Commission, in newspapers of general coverage in the affected territory. If publication is required, affidavits of publication must be returned to the Commission's offices as evidence of compliance with such publication requirement.

103-194. Criteria for Establishment of Rates. In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers operating under a Certificate of PC&N, the Commission may give due consideration, among other factors, to the need in the public interest of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service and to the need of such carriers for revenues sufficient to enable them, under economical and efficient management, to provide such service.

103-195. Duties of Carriers of Property As to Service and Regulations.

Every motor carrier of property operating under a Certificate of PC&N and FWA shall provide safe and adequate service, equipment, and facilities for the transportation of property, and shall establish, observe, and enforce just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

103-196. Maintenance of Copies of Tariffs.

Every motor carrier operating under a Certificate of PC&N shall maintain at each of its principal places of business in the state and make available for inspection to the public at all reasonable times, all of its tariffs containing rates, charges, classifications, and rules or other provisions as filed with and approved by the Commission.

103-197. Undue Preference Not Permitted.

Unless otherwise specifically exempted by the Commission, it shall be unlawful for any motor carrier operating under a Certificate of PC&N or FWA to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

103-198. Variations in Charges Prohibited. Unless otherwise specifically exempted by the Commission, no motor carrier operating under a Certificate of PC&N shall charge, demand, collect, or receive, or cause or permit its agent, servants, or employees to charge, demand, collect, or receive a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges

specified in the lawfully applicable tariffs or schedules in effect from time to time; and no motor carrier shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any privileges, facilities, or services, or do or perform any service, or give, remit, or refund anything of value except in accordance with said lawful tariffs and schedules, or specific order by the Commission.

103-199. Allowances Prohibited.

No motor carrier operating under a Certificate of PC&N shall grant, pay, give, or make any allowance to the owner, shipper, consignor, or consignee of any property or shipment, for any service or instrumentality furnished by the owner, shipper, consignor, or consignee, unless such allowance is prescribed or permitted in a lawfully applicable tariff, schedule, or specific order of the Commission.

SUBARTICLE 8.

COMMODITIES

103-210. Applications Must Specifically Set Forth Commodities Applied for.

Every applicant for a Certificate of PC&N specifically shall set forth in its application each commodity which it proposes to transport. Upon an adequate showing by proper proof, the Commission may issue a certificate authorizing motor carrier operations and identifying the commodities authorized to be hauled. These will be household goods, hazardous waste, or both.

1. Household Goods. This group includes personal effects and property used or to be used in a dwelling and similar property if the transportation of such effects or property is:

- a. arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or
- b. arranged and paid for by another party.

2. Hazardous Wastes. Any waste or combinations of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics is defined by S.C. Code Ann., Section 44-56-20(6) (1976) or 25 S.C. Regs. 61-79.261.3 as hazardous waste. Carriers of hazardous waste need only file maximum rates with the Commission.

103-211. Deleted by State Register Volume 19, Issue No. 5, eff. May 26, 1995.

SUBARTICLE 9.

AGREEMENTS, LEASES AND CONTRACTS FOR EQUIPMENT BY HOLDERS OF CERTIFICATES OF PC&N

103-220. Use of Leased Vehicles.

1. Agreement Must Meet Certain Conditions. Carriers may perform authorized transportation in or with motor vehicle power units which they do not own only under contract, lease, or other approved arrangement. Such contract, lease, or other approved arrangement must meet the following conditions:

- a. Shall be made between the carrier and the owner of the power unit, provided however, that the same power unit must not be leased to more than one carrier at the same time;
- b. Shall be in writing and signed by the parties thereto or their regular employees or agents duly authorized to act for them in the execution of contracts, leases or other arrangements;
- c. Shall specify the period for which it applies which shall be not less than 30 days;
- d. Shall provide for the exclusive possession, control, and use of the power unit and for the complete assumption of public responsibility (i.e. insurance) in respect thereto by the lessee for the duration of said contract, lease, or other arrangement;
- e. Shall specify the compensation to be paid by the lessee for the use of the power unit;

- f. Shall specify the time and date or the circumstances on which the contract, lease, or other arrangement begins, and the time or the circumstances on which it ends;
 - g. Shall specify the power unit or units covered by the lease by designating the serial number, make, and year of model;
 - h. Shall be executed in quadruplicate; the original shall be retained by the certificated carrier in whose service the power unit is to be operated, one copy may be retained by the owner of the power unit, one copy shall be carried on the power unit specified therein during the entire period of the contract, lease, or other arrangement, and one copy shall be filed with this Commission. If the lease, contract, or other arrangement pertains to more than one power unit, copies of such agreement may be maintained in the additional power units.
2. Commission Must Be Notified When Agreement Ceases. The lessee shall notify the Commission in writing within 48 hours when any lease is canceled, expired, or otherwise terminated.
 3. Lessor Must Charge Rates and Use Bills of Lading of Lessee. In addition to meeting the criteria listed in 1. above, the lessor must charge the rate for transportation of household goods approved by the Commission for the lessee. The lessor must also use the lessee's bills of lading. Total responsibility for the operation of the leased unit resides with the lessee.
 4. Lease Is for Equipment Only. The provisions of Regulation 103-220 are for the lease of equipment only and shall not be construed as allowing a lease of authority from a certificated motor carrier.

103-221. Exemptions.

The provisions set forth in R.103-220 shall not apply to:

1. Agreements Between Carriers. Motor vehicle power units leased by one carrier to another carrier, provided however, that the lessee must maintain a legible, written copy of the agreement on the vehicle for the duration of the agreement. This exemption does not apply to carriers holding certificates of fit, willing and able.
2. Agreements Between Carrier and Leasing Agency. Motor vehicle power units without drivers leased by a carrier from an individual, copartnership, or corporation, whose principal business is the leasing of equipment without drivers for compensation, provided however, that it will be necessary for the lessee to purchase the appropriate rental license decal from the Commission which shall be carried in the power unit prior to any operations being conducted using such vehicle. This rental license decal may be transferred to another power unit obtained under this provision, but it cannot be transferred to any other equipment whether owned or leased. It is further provided that a legible, written copy of the agreement must be maintained in the vehicle for the duration of the agreement.

103-222. Lessee Responsible.

1. For Drivers. The drivers of leased motor vehicle power units shall be directly supervised and controlled by the lessee. The person who, directly or indirectly, shall supervise or regulate the manner and method of shipment and the use of the motor vehicle or vehicles involved shall be presumed to have a right to control, direct, or dominate such shipment.
2. For Transportation Services Rendered. Any property or passengers transported in leased vehicles shall be transported in the name of and under the responsibility of the lessee.

103-223. Safety Inspection of Leased Equipment.

It shall be the duty of the carrier, before taking possession of any motor vehicle equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and who has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to insure that the said equipment complies with motor carrier safety regulations. The person making the inspection shall certify the results thereof in writing. If his/her inspection discloses that the equipment does not comply with the requirements of safety regulations, possession thereof shall not be taken. This written document shall be countersigned by someone in a supervisory capacity with the lessee indicating that the person performing the inspection was qualified to do so.

103-224. Identification of Equipment.

1. All Vehicles Must Be Marked. The carrier acquiring the use of power units under this article shall identify such equipment during the period of the lease, contract, or other arrangement in accordance with R. 103-153.

2. When Agreement Ceases, Markings Must Be Removed. The authorized carrier operating equipment under this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

103-225. Records Must be Maintained for Three Years.

Any motor carrier who operates leased vehicles in intrastate commerce pursuant to authority granted by this Commission shall keep on file a copy of all leases and shall maintain other records required by this article at its principal place of business within this State for a period of not less than three (3) years.

SUBARTICLE 10.

ANNUAL REPORTS AND ACCOUNTING METHODS AND PROCEDURES

103-230. Accounting.

1. Method of Keeping Books. Each motor carrier operating under a Certificate of PC&N or FWA shall keep its books on the basis of an accounting year of twelve months ending on the thirty-first day of December in each year.

2. Records Retention. All records shall be maintained for at least three years.

103-231. Annual Reports.

Every motor carrier operating under a Certificate of PC&N and FWA shall file with the Commission on or before March 31 of each year, on forms prescribed and furnished by the Commission, an annual report for the preceding calendar year ending on December 31. This annual report shall represent the same calendar year upon which the books are kept and shall present a full, true, and accurate account of the business affairs of the carrier.

103-232. Equipment Record.

Every motor carrier operating under a Certificate of PC&N and FWA shall keep on file in its main office, subject to inspection by the Commission, a complete description of each motor vehicle and trailer used during the accounting year, including motor vehicles substituted, rented, leased, or otherwise obtained.

103-233. Inspection of Vehicles, Books, Records, etc.

1. Carrier to Cooperate with Inspections. Auditors, accountants, inspectors, examiners, and other agents of the Commission, upon demand and display of proper credentials, shall be permitted by any carrier operating under a Certificate of PC&N and FWA to examine and copy the books, records accounts, bills of lading, load sheets, manifest, correspondence, and other records of such carrier relating to the transportation of property or passengers and to examine the vehicles, terminals, buildings, and other equipment and facilities used by such carrier in such transportation business, and carriers operating under a Charter Bus Certificate shall permit any designated agent of the Commission to inspect records related to insurance coverages and/or safety, and all such carriers shall instruct their drivers, agents, and employees in charge of such records, equipment, and facilities to cooperate with such examination.

2. Information Not Be Divulged. No inspector or other agent of the Commission shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of any such examination for inspection, except to the Commission or as may be directed by the Commission or by a court or judge thereof.

3. Refusal to Allow Inspection Is Violation. Refusal of any carrier or employee of any carrier to provide information under this article upon demand is a violation of these rules and the Motor Vehicle Carrier Law and is punishable as provided by S.C. Code Ann., Section 58-23-80 (1976).

SUBARTICLE 11.

PENALTIES

103-240. Grounds for Revocation of Certificate.

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

103-241. Inspectors.

The Commission, through inspectors duly appointed, will investigate and report violations of the provisions of the Motor Vehicle Carrier Law and the Commission's Rules and Regulations, and for the purpose of enforcing these laws, rules, and regulations, these inspectors shall have and may exercise throughout the State all of the powers of constables.

103-242 to 103-245. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-242 to 103-245. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-242 to 103-245. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

103-242 to 103-245. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff. June 26, 1998.

SUBARTICLE 12.

PROCEDURES FOR REGISTRATION OF INTERSTATE MOTOR CARRIERS UNDER PUBLIC LAW 102-240, SEC. 4005, TIT. IV [DELETED]

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-250 to 103-258. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

SUBARTICLE 13.

REGISTRATION OF OPERATIONS BY FOR-HIRE INTERSTATE MOTOR CARRIERS OR PROPERTY OR PASSENGERS EXEMPT FROM ECONOMIC REGULATION BY THE INTERSTATE COMMERCE COMMISSION [DELETED]

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

103-260 to 103-267. Deleted by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Deletions are contingent on identical regulations of the Department of Public Safety being approved by the General Assembly. See R. 38-400 et seq.

SUBARTICLE 14.

PENALTIES [REDESIGNATED]

103-270, 103-271. Redesignated by State Register Volume 22, Issue 6, Part 3, eff June 26, 1998.
103-270, 103-271. Redesignated by State Register Volume 22, Issue 6, Part 3, eff June 26, 1998.
103-272. Repealed by State Register Volume 12, Issue No. 5, eff May 27, 1988.

SUBARTICLE 15.

APPENDIX

103-280. Appendix.

Form A

UNIFORM APPLICATION FOR REGISTRATION OF
OPERATING AUTHORITY ISSUED BY ICC

To: _____ Date _____
(Name of State Commission)

Applicant: _____
Street: _____
City: _____ State: _____ Zip Code: _____

ICC Operating Authority No. MC _____
() Certificate () Permit () TAD _____
Type of Route: () Regular () Irregular
Type of carrier: () Property () Passenger () Common () Contract

Give principal office address, if different than above:
Street _____ City _____
State _____ Zip Code _____

In individual, give name and address: _____

If corporation, give State in which incorporated: _____

Name of President _____ Name of Secretary _____
If partnership, give names and addresses of partners: _____

Process agent for State (This part may be omitted if the applicant has
previously filed with the State Commission, or attaches hereto, a current
copy of its designation filed with ICC):

Name _____ Street _____
City _____ State _____

I, the undersigned, under penalty for false statement, do hereby certify that
the above information is true and correct and that I am authorized to execute
and file this document on behalf of the above applicant. (Federal penalties,
maximum of \$10,000 or imprisonment for 5 years, or both, 18 U.S.C. 1001;
State penalties as prescribed by law.)

(Signature) _____
(Title) _____

Instructions: File this application in duplicate with ICC operating authority
attached to original. When application is approved, the copy will be returned
to the applicant.

This form was determined by the National Association of Regulatory Utility
Commissioners and promulgated by the Interstate Commerce Commission pursuant
to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49
U.S.C., Sec. 302(b)(2)).

FORM A-1

UNIFORM APPLICATION FOR REGISTRATION OF INTERSTATE MOTOR CARRIER OPERATIONS
EXEMPT FROM ICC REGULATION

To: _____ Date _____
(Name of State Commission)

Applicant: _____
Street: _____
City: _____ State: _____ Zip Code _____

The vehicle or vehicles which the applicant intends to operate, or drive-away operations which it intends to conduct, within the borders of the State of _____, are exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended, pursuant to the authority checked below:

- | | |
|---|--|
| <input type="checkbox"/> Sec. 202(c)(1) (Terminal Area Exemption) | <input type="checkbox"/> Sec. 203(b)(5) (Farm Cooperative Exemption) |
| <input type="checkbox"/> Sec. 202(c)(2) (Terminal Area Exemption) | <input type="checkbox"/> Sec. 203(b)(6) (Commodities Exemption) |
| <input type="checkbox"/> Sec. 203(a)(11) (Foreign Commerce Exemption) | <input type="checkbox"/> Sec. 203(b)(7) (Newspaper Exemption) |
| <input type="checkbox"/> Sec. 203(b)(1) (School Bus Exemption) | <input type="checkbox"/> Sec. 203(b)(8) (Municipal Exemption) |
| <input type="checkbox"/> Sec. 203(b)(2) (Taxicab Exemption) | <input type="checkbox"/> Sec. 203(b)(9) (Occasional Exemption) |
| <input type="checkbox"/> Sec. 203(b)(3) (Hotel Exemption) | <input type="checkbox"/> Sec. 203(b)(10) (Emergency Tow Exemption) |

Type of carrier:

- Property Passenger Common Contract

Give Principal Office Address, if different than above:

Street: _____ City: _____ State _____

If individual, give name and address:

If Corporation, give State in which incorporated: _____

Name of President _____ name of Secretary _____

If Partnership, give names and addresses of partners:

PROCESS AGENT FOR STATE: (MUST BE A SOUTH CAROLINA RESIDENT)

Name _____ Street _____

City _____ State _____

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as prescribed by Law).

Signature _____ Title _____

INSTRUCTIONS: FILE THIS APPLICATION IN DUPLICATE. WHEN APPLICATION IS APPROVED, THE COPY WILL BE RETURNED TO THE APPLICANT.

FORM B

UNIFORM APPLICATION FOR REGISTRATION AND
IDENTIFICATION OF VEHICLES OR DRIVEAWAY
OPERATIONS OPERATED OR CONDUCTED UNDER
AUTHORITY ISSUED BY ICC

To: _____ Date: _____
(Name of Commission)

Applicant: _____

Street: _____

City: _____ State _____ Zip Code _____

ICC Operating Authority Number MC _____

The above described applicant hereby _____

(Number)

applies for the issuance of identification stamp(s), or for the assignment of an identification number (as elected by the laws of such State), for the registration and identification of the vehicle or vehicles which the applicant intends to operate, or driveaway operations which it intends to conduct, within the borders of such State during the period for which such identification stamp(s) or number is effective. The operation of such vehicle or vehicles, or the conduct of such driveaway operations, shall be pursuant to authority issued to the applicant by the Interstate Commerce Commission. The applicant shall not knowingly permit any other person or organization to use the identification stamp(s) or number issued or assigned pursuant to this

application.

I, the undersigned, under penalty for false statement, do hereby cert that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (Federal penalties, maximum of \$10,000 or imprisonment for 5 years, or both, 18 U.S.C. 1001; State penalties as prescribed by Law.)

(Signature)

(Title)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302 (b)(2).)

FORM B-1

UNIFORM APPLICATION FOR REGISTRATION AND IDENTIFICATION OF VEHICLES OR DRIVEAWAY OPERATIONS EXEMPT FROM I.C.C. REGULATION

To: _____ Date: _____
(Name of State Commission)

Applicant: _____
Street: _____
City: _____ State: _____ Zip Code: _____

The above described applicant hereby applies for the issuance of _____
(Number)

identification stamp(s), of for the assignment of an identification number (as elected by the laws of the State), for the registration and identification of the vehicle or vehicles which the applicant intends to operate or driveaway operations which it intends to conduct, within the borders of the state during the period for which such identification stamp(s) or number is effective. The operation of such vehicle or vehicles, or the conduct of such driveaway operations, shall be in accordance with the laws of the State.

The vehicle or vehicles which the applicant intends to operate or driveaway operations which it intends to conduct, within the borders of the State, are exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act as amended, pursuant to:

- Sec. 202(c) (1) (Terminal Area Exemption)
- Sec. 202(c) (2) (Terminal Area Exemption)
- Sec. 203(a) (11) (Foreign Commerce Exemption)
- Sec. 203(b) (1) (School Bus Exemption)
- Sec. 203(b) (2) (Taxicab Exemption)
- Sec. 203(b) (3) (Hotel Exemption)
- Sec. 203(b) (4) (National Park Exemption)
- Sec. 203(b) (4a) (Farm Exemption)
- Sec. 203(b) (5) (Farm Cooperative Exemption)
- Sec. 203(b) (6) (Commodities Exemption)
- Sec. 203(b) (7) (Newspaper Exemption)
- Sec. 203(b) (7a) (Air Transport Exemption)
- Sec. 203(b) (8) (Municipal Exemption)
- Sec. 203(b) (9) (Occasional Exemption)
- Sec. 203(b) (10) (Emergency Tow Exemption)
- _____ (Specify Other Exemption)

The applicant shall not knowingly permit any other person or organization to use the identification stamp(s) or number issued or assigned pursuant to this application.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as

prescribed by Law).

(Signature)

(Title)

FORM C

UNIFORM APPLICATION FOR
IDENTIFICATION CAB CARD

To: NARUC _____ Date _____

Applicant _____
Street _____
City _____ State _____ Zip Code _____
ICC Operating Authority Number MC _____

The above described applicant hereby _____
(Number)

applies for the issuance of uniform identification cab card(s) for use in connection with the registration and identification of the vehicle or vehicles which the applicant intends to operate, or driveaway operations which it intends to conduct, within the border of such State during the period for which such cab card(s) is effective. The operation of such vehicle or vehicles, or the conduct of such driveaway operations, shall be pursuant to authority issued to the applicant by the Interstate Commerce Commission. The applicant shall not knowingly permit any other person or organization to use the cab card(s) issued pursuant to this application.

I, the undersigned, under penalty for false statement, do hereby cert that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (Federal penalties, maximum of \$10,000 or imprisonment for five years, or both, 18 U.S. Code 1001; State penalties as prescribed by Law).

(Signature) _____
(Title) _____

IMPORTANT NOTE: A motor carrier should not obtain a cab card from each State Commission from which it obtains an identification stamp or number. Only on cab card is required for each vehicle or driveaway movement irrespective of the number of identification stamps or numbers which may be required for its operation. Consequently, a motor carrier should obtain its supply of cab cards from the National Association of Regulatory Utility Commissioners, P. O. Box 684, Washington, D. C. 20044, or from the Commission of any State in which it is permitted to operate pursuant to authority issued by the ICC.

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C. Sec. 302(b)(2)).

FORM D

UNIFORM IDENTIFICATION CAB CARD
OPERATING MOTOR CARRIER

ICC OPERATING AUTHORITY NUMBER MC _____
Name of Carrier _____
Street _____
City _____ State _____ Zip Code _____

VEHICLE

Type _____ Make [FN*] _____
(Tractor-truck-bus-driveaway)
Year [FN*] _____ Serial No. _____
State of vehicle registration [FN**] _____
Name of owner of vehicle [FN*] _____

The above described vehicle or driveaway operation is being operated or conducted under authority granted by the Interstate Commerce Commission to the above described motor carrier. Where required by State Law, such vehicle or driveaway operation has been registered with each State whose current identification stamp or number is placed on the reverse side of this card and there has been filed with each such State (to the extent required by such State the information authorized by Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C. Sec. 302 (b)(2)) and the rules and regulations promulgated thereunder.

The above described vehicle or driveaway operation has been identified in conformity with the rules and regulations of the Interstate Commerce Commission.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute this document on behalf of the above carrier. (Federal penalties, maximum to \$10,000 or imprisonment for 5 years, or both, 18 U.S.C. 1001; State penalties as prescribed by Law).

Signature Title Date Executed

This card expires at 12:01 A.M., February 1, 19__ or _____, _____, 19__, whichever is earlier.

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

[FN*] Not applicable to driveaway operations.
[FN**] If the State of vehicle registration changes during the period this cab card is effective, the motor carrier shall immediately indicate the change above by marking out the name of the State listed and inserting the name of the new State of vehicle registration in lieu thereof. This change shall be initialed by an official of the motor carrier.

FORM D-1

UNIFORM IDENTIFICATION CAB CARD FOR VEHICLE OR DRIVEAWAY
OPERATION EXEMPT FROM ICC REGULATION

OPERATING MOTOR CARRIER

Name of Carrier _____
Street _____
City _____ State _____

VEHICLE

Type _____ [FN*] Make _____
Tractor-Truck-Bus-Driveaway
[FN*] Year _____ [FN*] Serial No. _____
[FN**] State of Vehicle Registration _____
[FN*] Name of Owner of Vehicle _____

The operation of the vehicle or conduct of the driveaway operation, described above, is exempt from regulation by the Interstate Commerce Commission under the Interstate Commerce Act, as amended, pursuant to:

- () Sec. 202 (c) (1) (Terminal Area Exemption)
- () Sec. 202 (c) (2) (Terminal Area Exemption)
- () Sec. 203 (a) (11) (Foreign Commerce Exemption)
- () Sec. 203 (b) (1) (School Bus Exemption)

- Sec. 203 (b) (2) (Taxicab Exemption)
- Sec. 203 (b) (3) (Hotel Exemption)
- Sec. 203 (b) (4) (National Park Exemption)
- Sec. 203 (b) (4a) (Farm Exemption)
- Sec. 203 (b) (5) (Farm Cooperative Exemption)
- Sec. 203 (b) (6) (Commodities Exemption)
- Sec. 203 (b) (7) (Newspaper Exemption)
- Sec. 203 (b) (7a) (Air Transport Exemption)
- Sec. 203 (b) (8) (Municipal Exemption)
- Sec. 203 (b) (9) (Occasional Exemption)
- Sec. 203 (b) (10) (Emergency Tow Exemption)
- _____ (Specify Other Exemption)

Such vehicle or driveaway operation has been registered in accordance with the laws of each State whose current identification stamp or number is placed on the reverse side of this card.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute this document on behalf of the above carrier. (State penalties as prescribed by law.)

Signature _____

Title _____

Date Executed _____

This card expires at 12:01 A.M., February 1, 19__ or _____
19__, whichever is earlier.

[FN*] Not applicable to driveaway operations.

[FN**] If the State of vehicle registration changes during the period this cab card is effective, the motor carrier shall immediately indicate the change above by marking out the name of the State listed and inserting the name of the new State of vehicle registration in lieu thereof. This change shall be initialed by an official of the motor carrier.

MOTOR CARRIERS

| | | | | | |
|-------------|------------|----------------------------|--------------------|--------------|---------------|
| Alabama | Alaska | Arkansas | Arizona | California | Colorado |
| Connecticut | Delaware | District of Columbia | Florida | Georgia | Hawaii |
| Idaho | Illinois | Indiana | Iowa | Kansas | Kentucky |
| Louisiana | Maine | Maryland | Massachu- setts | Michigan | Minnesota |
| Mississippi | Missouri | Montana | Nebraska | Nevada | New Hampshire |
| New Jersey | New Mexico | New York | North Carolina | North Dakota | Ohio |

FORM F

UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The uniform motor carrier bodily injury and property damage liability certificate of insurance has been filed with the State Commissions indicate on the reverse side hereof.
3. This endorsement may not be cancelled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days' notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days' notice to commence to run from the date the notice is actually received in the office of such commission.

Attached to and forming part of Policy No. _____ issued by _____, herein called Company, of _____ to _____ of _____.

Dated at _____ this _____ day of _____, 19____.

Countersigned by _____
Authorized Company Representative

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

--Indicates State Commissions with whom uniform motor carrier bodily injury and property damage liability certificate of insurance has been filed

| | | | |
|----------------------|---------------|----------------|----------------|
| Alabama | Illinois | Montana | Rhode Island |
| Alaska | Indiana | Nebraska | South Carolina |
| Arizona | Iowa | Nevada | South Dakota |
| Arkansas | Kansas | New Hampshire | Tennessee |
| California | Kentucky | New Jersey | Texas |
| Colorado | Louisiana | New Mexico | Utah |
| Connecticut | Maine | New York | Vermont |
| Delaware | Maryland | North Carolina | Virginia |
| District of Columbia | Massachusetts | North Dakota | Washington |
| Florida | Michigan | Ohio | West Virginia |
| Georgia | Minnesota | Oklahoma | Wisconsin |
| Hawaii | Mississippi | Oregon | Wyoming |
| Idaho | Missouri | Pennsylvania | |

FORM G

UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY SURETY BOND
(Executed in triplicate)

Know all men by these presents, that we, _____, (Name of Motor Carrier Principal) _____ of _____ (City) _____, (State) as principal (hereinafter called principal), and _____, (Name of Surety) a corporation created and existing under the laws of the State of _____,

with principal office at _____ (City) _____, (State) as Surety (hereinafter called surety), are held and firmly bound unto the State of _____ in the sum or sums hereinafter provided for which payment, well and truly to be made, the principal and surety hereby bind themselves, their successors and assigns, firmly by these presents.

The condition of this obligation is such that:

Whereas, the principal is or intends to become a motor carrier subject to the laws of such State and the rules and regulations of _____ (Name of Commission) (hereinafter called Commission), relating to insurance or other security for the protection of the public, and has elected to file with the Commission a surety bond conditioned as hereinafter set forth; and

Whereas, this bond is written to assure compliance by the principal a motor carrier of passengers or property with the laws of such State and the rules and regulations of the Commission relating to insurance or other security for the protection of the public, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the principal for any of the damages herein described.

Now, therefore, if every final judgment recovered against the principal for bodily injury to or the death of any person or loss of or damage to the property of others, sustained while this bond is in effect, and resulting from the negligent operation, maintenance or use of motor vehicles in transportation (but excluding injury to or death of the principal's employees while engaged in the course of their employment, and loss of or damage to property of the principal and property transported by the principal designated as cargo), shall be paid, then this obligation shall be void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the principal as stated herein) and shall continue in force until terminated as hereinafter provided. The principal or the surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The surety shall not be liable hereunder for the payment of any judgment or judgments against the principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

In witness whereof, the said principal and surety have executed this instrument on the _____ day of _____, 19__.

(Principal)
By _____

(AFFIX CORPORATE SEAL)

(Surety)

(City) (State)
By _____

Countersigned at _____ this _____ day of _____, 19__.

Bond No. _____
(Registered Resident Agent)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

FORM H

UNIFORM MOTOR CARRIER CARGO
CERTIFICATE OF INSURANCE
(Executed in triplicate)

Filed with _____ (hereinafter called Commission
(Name of Commission))

This is to certify, that the _____
(Name of Company)
(hereinafter called Company) of _____
(Home Office Address of Company)

has issued to _____
(Name of Motor Carrier)
of _____
(Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M.,
standard time at the address of the insured stated in said policy or policies
and continuing until canceled as provided herein, which by attachment of the
Uniform Motor Carrier Cargo Insurance Endorsement, has or have been amended
to provide cargo insurance covering the obligations imposed upon such motor
carrier by the provisions of the motor carrier law of the State in which the
Commission has jurisdiction or regulations promulgated in accordance
therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate
original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled
without cancellation of the policy to which it is attached. Such cancellation
may be effected by the Company or the insured giving thirty (30) days' notify
in writing to the State Commission, such thirty (30) days' notice to commence
to run from the date notice is actually received in the office of the
Commission.

Countersigned at _____
(Street Address) (City) (State)
_____ this _____ day of _____ 19____
(Zip Code)

(Authorized Company Representative)
Insurance Company File No. _____
(Policy Number)

This form determined by the National Association of Regulatory Utility
Commissioners and promulgated by the Interstate Commerce Commission pursuant
to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49
U.S.C. Sec. 302(b)(2)).

FORM I

UNIFORM MOTOR CARRIER CARGO
INSURANCE ENDORSEMENT

It is agreed that:

1. The certification of the policy as proof of responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for motor carrier cargo liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.
2. The Uniform Motor Carrier Cargo Certificate of Insurance has been filed with the State Commissions indicated on the reverse side hereof.
3. This endorsement may not be canceled without cancellation of the policy

to which it is attached. Such cancellation may be effected by the company of the insured giving thirty (30) days notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days notice to commence to run from the date the notice is actually received in the office of such Commission.

Attached to and forming part of Policy No. _____
issued by _____, herein called Company
of _____
to _____ of _____
Dated at _____ this ____ day of ____ 19____.
Countersigned by _____
Authorized Company Representative

This form determined by the National Association of Regulatory Utility
Commissioners and promulgated by the Interstate Commerce Commission pursuant
to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49
U.S.C., Sec. 302(b)(2)).

X-Indicates State Commissions With Whom Uniform Motor Carrier
Cargo Certificate of Insurance Has Been Filed

Alabama Illinois Montana Rhode Island
Alaska Indiana Nebraska South Carolina
Arizona Iowa Nevada South Dakota
Arkansas Kansas New Hampshire Tennessee
California Kentucky New Jersey Texas
Colorado Louisiana New Mexico Utah
Connecticut Maine New York Vermont
Delaware Maryland North Carolina Virginia
District of Massachusetts North Dakota Washington
Columbia
Florida Michigan Ohio West Virginia
Georgia Minnesota Oklahoma Wisconsin
Hawaii Mississippi Oregon Wyoming
Idaho Missouri Pennsylvania

FORM J

UNIFORM MOTOR CARRIER CARGO SURETY BOND
(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(Name of Motor Carrier)
_____ of _____, _____, as
(Principal) (City) (State)
Principal (hereinafter called Principal), and _____
(Name of Surety)

_____, a corporation created and existing under the laws of the State of
_____, with principal office at _____ (City) _____, (State) as
Surety (hereinafter called Surety), are held and firmly bound unto the State
of _____ in the sum or sums hereinafter provided for which payment, well
and truly to be made, the Principal and Surety hereby bind themselves, their
successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a motor carrier subject the laws
of such State and the rules and regulations of the _____ (Name of
Commission) (hereinafter called Commission), relating to insurance or other
security for the protection of shippers and consignees, and has elected to
file with the Commission a bond conditioned as hereinafter set forth, and
WHEREAS, this bond is written to assure compliance by the Principal a motor
carrier with the laws of such State and the rules and regulations of the
Commission relating to insurance or other security for the protection of
shippers and consignees, and shall inure to the benefit of any and all
shippers or consignees to whom the Principal may be held liable for any of
the damages herein described.

NOW, THEREFORE, if the Principal shall make compensation to shippers and

consignees for all losses of or damages to property belonging to them which shall, while this bond is in effect, come into the possession of the Principal in connection with its transportation service, regardless of whether such losses or damages occur while said property is in a motor vehicle, terminal, warehouse or other place, for which losses or damages the Principal may be held legally liable, then this obligation shall be void, otherwise it shall remain in full force and effect.

The liability of the Surety for the limits hereinafter provided shall a continuing one notwithstanding any recovery hereunder, and extends to such losses or damages regardless of whether the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation service of the Principal are specifically described herein or not, and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for any such loss or damage shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission.

The Surety shall not be liable hereunder for the payment of any of the losses damages hereinbefore described which arise on property coming into the possession of the Principal in connection with its transportation service after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such losses or damages arising on property coming into the possession of the Principal in connection with its transportation service prior to the date such termination becomes effective.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, 19__.

(Principal)

BY _____

(Affix Corporate Seal) _____
(Surety)

_____, _____
(City) (State)

By _____

Countersigned at _____ this _____ day of _____ 19__.

Bond No. _____
(Registered Resident Agent)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

FORM K

UNIFORM NOTICE OF CANCELLATION OF MOTOR
CARRIER INSURANCE POLICIES
(Executed in triplicate)

Check type cancelled: BI and PD () Cargo ()
Filed with _____ (hereinafter
(Name of Commission)

called commission)

This is to advise that under the terms of a policy or policies issued to

(Name of Motor Carrier)

of _____

(Address of Motor Carrier)

by _____
(Name of Company)

of _____
(Address of Motor Carrier)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby cancelled effective as of the _____ day of _____, 19____, 12:01 A.M., standard time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

(Signature of Insurer)

Insurance Company File No. _____
(Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).

FORM L

UNIFORM NOTICE OF CANCELLATION OF MOTOR
CARRIER SURETY BONDS
(Executed in Triplicate)

Check type cancelled: BI and PD () Cargo ()
Filed with _____ (hereinafter
(Name of Commission)

called Commission)

This is to advise that, under the terms of surety bond(s) executed in behalf of

(Name of Principal)

of _____
(Address)

by _____
(Name of Surety)

of _____
(Address)

said bond(s) including any and all riders or certificates attached thereto or issued in connection therewith, is (are) hereby cancelled effective as of the _____ day of _____, 19____, 12:01 A.M. standard time at the address of the Principal as stated in said bond(s) provided such date is not less than thirty (30) days after the actual receipt of this notice by the commission.

(Signature of Principal or Surety)

Insurance Company File No. _____
(Policy No.)

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act. (49 U.S.C., Sec. 302(b)(2)).

REPORT OF VEHICLE INSPECTION

Description of vehicle:
Make _____ Year _____
Model _____ Serial No _____
Type: Tractor _____ Trailer _____
Semitrailer _____
License plate: No _____ State _____
Owner's Name _____
Name of authorized carrier _____

Indicate in the proper column the result of the inspection of each item listed:

| Item defect | Not defective | Defective | Description of |
|---|---------------|-----------|----------------|
| Body | | | |
| Brakes | | | |
| Cooling system | | | |
| Drive line | | | |
| Emergency equipment | | | |
| Engine | | | |
| Exhaust | | | |
| Fuel system | | | |
| Glass | | | |
| Horn | | | |
| Leaks | | | |
| Lights (state which) | | | |
| Reflectors | | | |
| Speedometer | | | |
| Springs | | | |
| Steering | | | |
| Tires | | | |
| Wheels | | | |
| Windshield wiper | | | |
| Any other items requiring attention _____ | | | |

I hereby certify that on the ____ day of _____ I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

(Signature of person making inspection)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of _____ (Name of authorized carrier)

(Signature of carrier, partner, officer safety director, or other supervisory employee responsible for safety compliance)

Date _____

ARTICLE 3.

ELECTRIC SYSTEMS

SUBARTICLE 1.

GENERAL PROVISIONS

103-300. Authorization of Rules.

A. Sections 58-27-150 and 58-27-1910, Code of Laws of South Carolina, 1976, provides: "Rules and Regulations.--The Commission may make such rules and regulations not inconsistent with law as may be proper in the exercises of its power or in the performance of its duties under this Chapter, all of which shall have the force of law."

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards for electric service, to become effective June 30, 1976. All previous rules or standards are hereby revoked, annulled, and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint, or upon its own motion, or upon the application of any utility. Furthermore, these rules shall not in any way relieve either the Commission or the utilities of any duties under the laws of this State.

103-301. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, association, establishment or corporation (except municipalities or agents thereof, within their corporate limits, and any other exempt by South Carolina Statutes), which is now or may hereafter become engaged as an electric system as defined in 103-102(9), herein, in the business of furnishing electric current for domestic, commercial, or industrial customers within the State of South Carolina.

2. Purpose. The rules are intended to define good practice. They are intended to insure adequate and reasonable service. The electric systems shall assist the Commission in the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty, such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

103-302. Definitions. The following words and terms, when used in these rules and regulations, shall have the meaning indicated below.

1. Commission. The Public Service Commission of South Carolina.

2. Utility. Every privately-owned corporation, firm or person furnishing or supplying electric service to the public, or any portion thereof, for compensation.

3. Customer. Any person, firm, association, establishment, partnership, or corporation, or any agency of the Federal, State or local government, being supplied with electric service by an electrical utility under the jurisdiction of this Commission.

4. Electrical Utility. "The term 'electrical utility' includes municipalities to the extent of their business, property, rates, transactions, and operations without the corporate limits of the municipality, or persons, associations, firms, establishments, partnerships and corporations, their lessees, assignees, trustees, receivers, or other successors in interest owning or operating in this State equipment or facilities for generating, transmitting, delivering or furnishing electricity for street, railway or other public uses or for the production of light, heat or power to or for the public for compensation; but it shall not include an electric cooperative or a consolidated political subdivision and shall not include a person, corporation or municipality furnishing electricity only to himself or itself, their resident employees or tenants when such current is not resold or used by others."

5. Electric Supplier. "The term 'electric supplier' means any electrical utility other than a municipality, and means any electric cooperative other than an electric cooperative engaged primarily in the business of furnishing electricity to other electric cooperatives for resale to other electric consumers, and any consolidated political subdivision owning or operating an electric plant or system for furnishing of electricity to the public for compensation."

6. Municipality. "The term 'municipality' when used in these Rules and Regulations includes a city, town, county, township and any other corporation existing, created or organized as a governmental unit under the Constitution or laws of this State except a 'Consolidated Political Subdivision'."

7. Consolidated Political Subdivision. "The term 'consolidated political subdivision' means a consolidated political subdivision existing pursuant to the Constitution of this State, and shall not be deemed a city, town, county or other governmental unit merged thereinto."

8. Rate. "The term 'rate' when used in these Rules and Regulations means and includes every compensation, charge, toll, rental and classification, or any of them, demanded, observed, charged, or collected by any electrical utility for any electric current or service offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, toll, rental or classification."

9. Electric System. "The term 'electric system' means any electrical utility, electric supplier, utility, electric cooperative, public utility district, governmental body or agency, including consolidated political subdivisions, or another person or corporation supplying electric service to the public to the extent covered by the applicable Sections of the S. C. Code of Laws."

103-303. Authorization for Rates and Charges.

A. No schedules of rates or contracts involving rates, under jurisdiction of the Commission, differing from approved tariffs or rates shall be changed until after the proposed change has been approved by the Commission.

B. All rates, tolls, charges, and contracts involving rates proposed to be put into effect by any electrical utility shall be first approved by this Commission before they shall become effective, unless they are exempt from such approval by statute, order of this Commission, or other provision of law.

C. No rates, tolls, charges nor service of any electrical utility under the regulation of this Commission shall be deemed approved nor consented to by mere filing of schedules or other evidence thereof in the offices of the Commission, unless such proposed adjustment is made in accordance with tariff provisions which have previously been approved by the Commission.

D. Any change in rates or charges affecting classifications of rates and services by electric cooperatives shall be filed with the Commission and subject to approval in accordance with S. C. Code Ann., Section 58-27-840.

103-304. Territory and Certificates.

No electrical utility supplying electric service to the public shall hereafter begin the construction or operation of any electric facilities, or of any extension thereof, without first obtaining from the Commission a certificate that public convenience and necessity requires or will require such construction or operation; such certificate to be granted only after notice to other interested electric systems and to the public, and after due hearing; provided, however, that this regulation shall not be construed to require any such electrical utility to secure a certificate for any extension within a municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it, necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another electrical utility, but if any electric system in constructing or extending its lines, plant or system unreasonably interferes, or is about to unreasonably interfere, with the service or the system of any other electric system, the Commission may make such order and prescribe such terms and conditions in harmony with this regulation as are just and reasonable.

1. Rural Territorial Act. The Commission has assigned all areas outside municipal limits, and more than 300 feet from the lines (as defined in Section 58-27-610(3) of the South Carolina Code of Laws), as such lines existed on the dates of assignments, of any electric supplier (except some territory which was left unassigned to any supplier), and no electric supplier shall construct lines and equipment except as provided by S.C. Code of Laws, Sections 58-27-620(2); 58-27-620(4); 58-27-620(6); 58-27-650; and 58-27-660(1), into territory assigned to another supplier without prior approval of the Commission; and no electric supplier shall construct permanent lines and equipment into any territory left unassigned by the Commission pursuant to S.C. Code Ann., Section 58-27-640 without prior notice to the Commission filed within a reasonable period of time prior to the date of actual construction of permanent lines, which notice shall include a map of the area showing existing facilities, location of the customer, and the proposed route of the permanent line, and a written certification that those electric suppliers furnishing electric service in any areas contiguous to the unassigned territory have been provided a copy of the notice of

construction of facilities as filed with the Commission, and all such facilities providing electric service shall be constructed in accordance with good utility practices and all other applicable provisions of the S.C. Code of Laws, as amended.

2. Utility Facility Siting and Environmental Protection Act. No electric system subject to the jurisdiction of this Commission shall begin the construction and/or operation of any transmission line with a designed voltage of 125 KV or more or the construction and/or operation of a generating station of more than 75 megawatts, except a hydroelectric generating facility, before receiving a certificate of Environmental Compatibility and Public Convenience and Necessity in accordance with Sections 58-33-10 et seq., of the Code of Laws of South Carolina, 1976.

103-305. Utilities Rules and Regulations.

Each electrical utility shall adopt Rules, Regulations, Practices, Service Requirements, Terms and Conditions, etc., as may be necessary in the operation of such utility which shall be filed with and subject to review and order of the Commission, unless otherwise specified.

SUBARTICLE 2.

RECORDS AND REPORTS

103-310. Location of Records and Reports.

All records required by these rules, or necessary for the administration thereof, shall be kept within this State, unless otherwise authorized by the Commission. These records shall be available for examination by the Commission or its authorized representatives at all reasonable hours.

103-311. Retention of Records.

Unless otherwise specified by the Commission or by regulation, or Commission Order governing specific activities, all records required by these Rules and Regulations shall be preserved for two years.

103-312. Data to be Filed with the Commission.

1. Annual Report. Each electrical utility operating in this State shall file an Annual Report with the Commission giving such information as the Commission may direct.

2. Current Information and Documents. The electrical utility shall file with the Commission the following documents and information.

A. Tariff

1. A copy of each electric system's schedule of rates and charges for service, together with applicable riders.

2. A copy of each electric system's Rules and Regulations, or Terms and Conditions describing each electric system's policies and practices in rendering service. These rules shall include a listing of available voltages and service characteristics.

B. Customer Bill

A copy of each type of bill form used in billing for electric service.

C. Operating Area Map

1. Suitable maps and "one-line diagrams" shall be kept on file with the Commission showing the size, character and location of each main transmission circuit and generating stations and main substations.

2. When an application for a Certificate of Convenience and Necessity is made by an electrical utility, a section of map showing the proposed line extension shall accompany such application.

D. Authorized Representative

The electrical utility shall advise the Commission the name, address and telephone number of the person, or persons, to be contacted in connection with:

a. General management duties.

b. Customer relations (complaints).

- c. Engineering and/or Operations.
- d. Meter tests and repairs.
- e. Emergencies during non-office hours.
- E. Contract Forms

A copy of the electrical utility's electric power contract form, and special electric power contract forms for customer service.

103-313. Inspection of Utility Plant.

A. Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as the Commission may require.

B. Each utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in subarticles 5 and 6 of these rules and regulations.

103-314. Interruption of Service.

Each electrical utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division thereof, or any major community, or an important division of such a community, including a statement of the time, duration, and cause of any such interruption. The Commission is to be notified of any such interruptions as soon as practicable after it comes to the attention of the utility and a complete report made to the Commission after restoration of service if such interruption is for more than six hours duration.

103-315. Accidents.

Each electrical utility shall, as soon as possible, report to the Commission each accident happening in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or seriously injured or whereby any serious property damage shall have been caused. Such first report shall later be supplemented within 30 days by as full a statement as is possible of the cause and details of the accident and the precautions, if any, which have been taken to prevent similar accidents.

103-316. Complaints.

Complaints concerning the charges, practices, facilities, or services of the utility shall be investigated promptly and thoroughly. Each electric utility shall keep a record of all such complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

103-317. Meter History Records.

Each electrical utility shall maintain records of the following data, where applicable, for each billing meter for so long as such meter is in possession of the utility and for twelve months thereafter.

- a. Date of Purchase.
- b. The complete identification-manufacturer, number, type, size, capacity, multiplier and/or constants.
- c. The dates of installation and removal from service, together with the location, unless otherwise directed by the Commission.

103-318. Meter, Test, Records and Reports.

Each electrical utility shall maintain records of tests made of any billing meter. The record of the meter test shall be maintained for a minimum of three years after the meter's retirement. Test records shall include the following:

- a. The date and reason for the test.
- b. The reading of the billing meter before making any test.
- c. The accuracy "as found" at "Light Load" and at "Full Load", or "Test Amperes".
- d. The accuracy "as left" at "Light Load" and at "Full Load", or "Test Amperes".

e. In the event test of the billing meter is made by using a standard meter or rotating standard the electrical utility shall retain all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the test methods and the calculations.

SUBARTICLE 3.

METERS

103-320. Meter Requirements.

Service shall be measured by meters furnished by the electrical utility unless otherwise ordered by the Commission, and such meters shall maintain the degree of accuracy as set forth in 103-123.

103-321. Meter Reading.

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis not less than 28 days nor more than 34 days.

103-322. Meter Reading Sheets or Cards.

The Meter Reading Sheets or Cards shall show:

- a. Customer's name, service address and rate schedule designation.
- b. Identifying number and/or description of the meter(s).
- c. Meter readings.
- d. If the reading has been estimated.
- e. Location of meter or special reading instructions (if not possible, this information shall show on instructional cards).

103-323. Meter Accuracy and Condition.

A. Creeping: No watt-hour meter which registers on "no load" when the applied voltage is less than one hundred and ten (110) percent of standard service voltage shall be placed in service or allowed to remain in service.

B. No watt-hour meter shall be placed in service which is in any way mechanically defective, or which has incorrect constants or which has not been tested individually or under a sample meter testing plan approved by the Commission for accuracy of measurements and adjusted, as specified in 103-373(2), if necessary, to meet these requirements:

Average error not over 0.5% plus or minus;

Error at "Full Load" (test amperes) not over 0.5% plus or minus;

Error at "Light Load" not over 1.0% plus or minus.

103-324. Meter Seal.

Immediately after the pre-installation or field test of a meter, the manufacturer or the electrical utility shall affix a seal in order to avoid tampering. The meter installation shall be sealed to help prevent tampering or theft of current.

103-325. Location of Meters.

A. No customer's meter shall be installed in any location where it may be unreasonably exposed to damage, or in any unduly dirty, or inaccessible location.

B. Outdoor meters shall be used where practicable. Meters should not be placed on any unstable supports subject to vibration or tilting in excess of 4 degrees and should be free of obstruction for a distance of three feet in front of the meter and with sufficient space below the meter to allow the use of proper test facilities.

C. Meters should be easily accessible for reading, testing and making necessary repairs and adjustments, and where more than one meter is installed at one location, sufficient space shall be allowed between and

in front of meters to facilitate repairs and tests. Each customer shall tag or mark each "house" loop to indicate circuit metered.

D. Each customer shall provide and maintain at his expense a suitable and convenient place for the location of meters, where they will be readily accessible at any reasonable hour for the purpose of reading, testing, repairing, etc., and such other appliances owned by the electrical utility and placed on the premises of the customers shall be so placed as to be readily accessible at such times as are necessary, and the authorized agent of the electrical utility shall have authority to visit such meters and appurtenances at such times as are necessary in the conduct of the business of the electrical utility.

103-326. Change in Character of Service.

In order that the electrical utility may provide a proper service facility and metering installation, the customer shall advise the electrical utility of the expected service requirements, and shall also advise the electrical utility of any increase or decrease in the expected load to be provided by the electrical utility in sufficient time to change service characteristics.

103-327. Master Metering.

A. All service delivered to new multi-occupancy residential premises at which units of such premises are separately rented, leased or owned shall be delivered by an electrical utility on the basis of individual meter measurement for each dwelling.

B. Any exception to the provisions of paragraph A., supra, must be approved by the Commission upon its determination that individual metering to such premises is impractical and unreasonable.

C. Service to structures for which permits were issued or construction started prior to January 23, 1981, shall not be affected by the provisions contained herein.

D. Commercial premises with master metered service established prior to October 31, 1980, which are later converted to residential use shall not be affected by provisions contained herein.

SUBARTICLE 4.

CUSTOMER RELATIONS

103-330. Customer Information.

Each electrical utility shall:

a. Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the electrical utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.

b. Provide to each new residential and small commercial customer, within 60 days of application for service, a clear and concise explanation of the available rate schedules for the class of service for which the customer makes application for service.

c. Provide to each residential and small commercial customer to whom more than one rate schedule is reasonably available a clear and concise summary of the existing rate schedules applicable to the customer's class of service at least once a year.

d. Notify each affected customer of any proposed adjustment in rates and charges, excluding adjustment of base rates for fuel costs within sixty (60) days of the date of the filing of such adjustment or as otherwise directed by the Commission.

e. Provide to each customer, upon request, a clear and concise statement of the actual consumption of electrical energy by such customer for the previous twelve (12) months.

f. Post a notice in a conspicuous place in each office of the electrical utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the electrical utility, as filed with and approved by the Commission, are available for inspection.

- g. Upon request, inform its customers as to the method of reading meters, as to billing procedures and shall assist customers in selecting the most economical rate schedule applicable and method of metering the service, except as otherwise provided for by the Commission.
- h. Provide adequate means (telephone, etc.) whereby each customer can contract the electrical utility or its authorized representative at all hours in cases of emergency or unscheduled interruptions of service.
- i. Upon request, give its customers such information and assistance as is reasonable in order that customers may secure safe and efficient service.
- j. Notify any customer making a complaint recorded pursuant to 103-316 that the electrical utility is under the jurisdiction of the Commission and the customer may notify the Commission of his complaint.

103-331. Customer Deposits.

A. Each electrical utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

- 1. The customer's past payment record to an electrical utility shows delinquent payment practice, i.e., customer has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears in the past 24 months, or
- 2. A new customer cannot demonstrate that he is a satisfactory credit risk by appropriate means including, but not limited to, a letter of good credit from a reliable source, references which maybe quickly and inexpensively checked by the Company or cannot furnish an acceptable cosigner or guarantor on the same system within the State of South Carolina to guarantee payment, or
- 3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears in the past 24 months, or
- 4. A customer has had his service terminated for non-payment or fraudulent use.

B. Each utility shall inform each prospective customer of the provisions contained in this rule.

103-332. Amount of Deposits.

A. A maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months based on the experience of the preceding twelve (12) months or portion of the year, if on a seasonal basis.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and payment habits of the customer.

C. A schedule of deposits based upon an analysis of 60 days' usage for categories of customers falling within a specified range may be required by the electrical utility upon being filed and approved by the Commission.

D. Special offerings may be exempt as determined by the Commission; i.e., subdivision lighting, outdoor lighting, etc.

103-333. Interest on Deposits.

A. Simple interest on deposits at the current effective interest rate per annum prescribed by order of the Public Service Commission shall be paid by the electrical utility to each customer required to make such deposit for the time it is held by the electrical utility, provided that no interest need be paid unless the deposit is held longer than 6 months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-334. Deposit Records.

Each electrical utility shall keep records to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. Each transaction concerning the deposits.

103-335. Deposit Receipt.

Each electrical utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a customer may establish his claim if his receipt is lost.

103-336. Deposit Retention.

Deposit shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months.

103-337. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years, during which time the electrical utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the S. C. Tax Commission as prescribed by state law.

103-338. Deposit Credit.

Where a customer has been required to make a guarantee deposit, this shall not relieve the customer of the obligation to pay the service bills when due. Where such deposit has been made and service has been discontinued for reason of non-payment of bill, or otherwise, an electrical utility shall apply the deposit of such customer toward the discharge of such account and shall, as soon thereafter as practicable, refund the customer any excess of the deposit. If, however, the customer whose service has been disconnected for non-payment, pays the full amount billed within 72 hours after service has been disconnected and applies for reconnection, the electrical utility may not charge an additional deposit except under the provisions of 103-332.

103-339. Customer Billing.

The electrical utility shall bill each customer as promptly as possible following the reading of his meter and render a receipt of payment upon request.

1. New Service. Meters shall be read at the initiation and termination of any service and billing shall be based thereon.
2. Bill Forms. The bill shall show:
 - a. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.
 - b. The date on which the meter was read, and the date of billing and the latest date on which it may be paid without incurring a penalty, and the method of calculating such penalty.
 - c. The number and kind of units metered.
 - d. The applicable rate schedule, or identification of the applicable rate schedule. If the actual rates are not shown, the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request.
 - e. Any estimated usage shall be clearly marked with the word "estimate" or "estimated bill".
 - f. Any conversions from meter reading units to billing units or any information necessary to determine billing units from recording or other devices, or any other factors used in determining the bill. In lieu of such information on the bill, a statement must be on the bill advising that such information can be obtained by contacting the electrical utility's local office.
 - g. Amount for electrical usage (base rate).
 - h. Amount of fuel adjustment (per KWH and dollars and cents).
 - i. Amount of South Carolina Sales Tax (dollars and cents).
 - j. Total amount due.
 - k. Number of days for which bill is rendered.

3. Late Payment Charges. A maximum of one and one-half percent (1 and 1/2 %) may be added to any unpaid balance not paid within 25 days of the billing date to cover the cost of collection and carrying accounts in arrears. This method of late-payment charge will be made in lieu of any other penalty.
4. Payment by Check. The Electrical Utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.
5. Charges for Discontinuance and Reconnection. Whenever service is turned off for violation of rules and regulations, nonpayment of bills, or fraudulent use of service, the electrical utility may make reasonable charges, to be approved by this Commission, for the cost incurred in discontinuing the service and reconnection and require payment for service billed and for service used which has not previously been billed.
6. Estimated Bills. Each electrical utility shall not send a customer an estimated bill, except for a good cause, where the meter could not be read or was improperly registering. In no instance will more than one estimated bill be rendered within a 60-day period, unless otherwise agreed to by the customer.

103-340. Adjustment of Bills.

If it is found that an electrical utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such electrical utility than that prescribed in the schedules of such electrical utility applicable thereto, then filed in the manner provided in Chapter 27 of Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from an electrical utility for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

1. Fast or Slow Meters. If the overcharge or undercharge is the result of a fast or slow meter, then the method of compensation shall be as follows:
 - a. In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, as specified in 103-370(2).
 - b. In the event that the meter so tested is found to have an error in registration of more than two (2) per cent, the bills will be increased or decreased accordingly, but in no case shall such a correction be made for more than sixty (60) days.
2. Customer Willfully Overcharged. If the electrical utility has willfully overcharged any customer, except as provided for in 1 of this rule then the method of adjustment shall be as provided in the S. C. Code Ann., Section 58-27-960, and Sections 58-27-2410 et seq. (1976).
3. Customer Inadvertently Overcharged. If the electrical utility has inadvertently overcharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human or machine error, except as provided in 1 of this rule, the electrical utility shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed as provided by the following:
 - a. If the interval during which the customer was overcharged can be determined, then the electrical utility shall credit or refund the excess amount charged during that entire interval provided that the applicable statute of limitations shall not be exceeded.
 - b. If the interval during which the customer was overcharged cannot be determined then the electrical utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the billing error was discovered.
 - c. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the refund shall be based on an appropriate estimated usage and/or demand.
4. Customer Undercharged Due to Willfully Misleading Company. If the electrical utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any such action by any person (other than the employees or agents of the electrical utility), such as

tampering with, or bypassing the meter when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the electrical utility as such, then notwithstanding 1 of this rule, the electrical utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the electrical utility shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.

b. If the interval during which the customer was undercharged cannot be determined, then the electrical utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the electrical utility.

c. If the usage and/or demand incurred by that customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

d. If the metering equipment has been removed or damaged, then the electrical utility shall collect the estimated cost of repairing and/or replacing such equipment.

5. Equal Payment Plans. An electrical utility may provide payment plans wherein the charge for each billing period is the estimated total annual bill divided by the number of billing periods prescribed by the plan. The difference between the actual and estimated annual bill is to be resolved by one payment at the end of the equal payment plan year, unless otherwise approved by the Commission. However, any incorrect billing under equal payment plans shall be subject to this rule.

6. Customer Undercharged Due to Human or Machine Error. If the electrical utility has undercharged any customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any human or machine error, except as provided in 1 and 2 of this rule then the electrical utility may recover the deficient amount as provided as follows:

a. If the interval during which a consumer having a demand of less than 50 KW was undercharged can be determined, then the electrical utility may collect the deficient amount incurred during that entire interval up to a maximum period of six months. For a consumer having a demand of 50 KW or greater, the maximum period shall be 12 months.

b. If the interval during which a consumer was undercharged cannot be determined, then the electrical utility may collect the deficient amount incurred during the six-month period preceding the date when the billing error was discovered by the electrical utility. For a consumer having a demand of 50 KW or greater, the maximum period shall be 12 months.

c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

d. If the usage and/or demand incurred by that person during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

103-341. Applications for Service.

1. Method. Applications for service may be oral or in writing.

2. Obligation. The applicant shall, at the option of the electric system, be required to sign a service agreement or a contract. In the absence of such service agreement or contract, the accepted application shall constitute a contract between the electric system and the applicant, obligating the applicant to pay for service in accordance with the electric system's tariff or rate schedule currently on file with the Commission, and to comply with the Commission's, and the Electric System's, Rules and Regulations Governing Service Supplied by the electrical utility.

3. Termination. When a customer desires to have his service terminated, he must notify the electrical utility; such notification may be oral or in writing. The electrical utility shall be allowed a reasonable period of time after the receipt of such a notice to take a final reading of the meter and to discontinue service.

103-342. Reasons For Denial or Discontinuance of Service. Unless otherwise stated, a customer shall be allowed a reasonable time in which to correct any discrepancy which may cause discontinued service. Service may be denied or discontinued for any of the following reasons:

- a. Without notice in the event of a condition determined by the electrical utility to be hazardous or dangerous.
- b. Without notice in the event of customer's use of equipment in such a manner as to adversely affect the electrical utility's service to others.
- c. Without notice in the event of unauthorized or fraudulent use, excluding tampering, of the utility's service, i.e.:
 1. Misrepresentation of the customer's identity.
 2. For reconnection of service by customer who has had service discontinued for violation of and/or noncompliance with the Commission's 103-342 et seq.
- d. Tampering.

After the customer has applied for and/or received service from the electrical utility, he shall make every reasonable effort to prevent tampering with the meter and service drop serving his premises. A customer shall notify the electrical utility, as soon as possible, of any tampering with, damage to, or removal of any equipment.

Tampering with meters or with conductors carrying unmetered current and unauthorized breaking of utility's seals is prohibited by law and shall not be tolerated by the utility. Such meter tampering shall include but shall not be limited to, unassigned meters, altered meters, upside down meters, or the attachment to a meter or distribution wire of a device, mechanism or wire which would permit the use of unmetered electricity. Should the utility find that the meter, conductors, or seals have been tampered with, the utility shall give notice to the customer of possible discontinuance of service. Service may be continued or reconnected consistent with the following:

1. A customer can stop discontinuance of service or have service reconnected by paying a reasonable charge for an inspection (to insure proper operating conditions), a reasonable reconnect fee, and charges to compensate for any damage to the utility's facilities.
2. A customer's bill may be adjusted to reflect normal usage should any tampering reflect other than normal meter readings and the customer's bill may include the establishment of a deposit in accordance with the Commission's 103-332 et seq.

Nothing herein shall prevent the electrical utility from instituting appropriate legal actions for violations and/or noncompliance with the Commission's 103-330 et seq.

- e. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- f. For failure of the customer to permit the electrical utility reasonable access to its equipment.
- g. For nonpayment of bill for service rendered provided that the electrical utility has made reasonable efforts to effect collection and has complied with the provisions of R. 103-352.
- h. For failure of the customer to provide the electrical utility with a deposit as authorized by 103-331.
- i. For failure of the customer to furnish permits, certificates, and rights-of-way, as necessary to obtaining service, or in the event such permissions are withdrawn or terminated.
- j. For failure of the customer to comply with reasonable restrictions on the electrical utility's service, provided that notice has been given to the customer and that written notice has been furnished to the Commission.
- k. No electrical utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted or any member of his household is indebted, under an undisputed bill to such electrical utility for service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the electrical utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.

l. The electrical utility may terminate a customer's service should the customer be in arrears on an account for service at another premise.

m. For the reason that the customer's use of the utility's service conflicts with, or violates orders, ordinances or laws of the State or any subdivision thereof, or of the Commission.

103-343. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

a. Nonpayment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service.

b. Failure to pay for merchandise purchased from the electrical utility.

103-344. Right of Access.

Authorized agents of the electrical utility shall have the right of access to premises supplied with electric service, at reasonable hours, for the purpose of reading meters, and for any other purpose which is proper and necessary in the conduct of the electrical utility's business. Such agents shall produce proper identification and shall inform the customer of the purpose of necessary access to occupied premises before entry except that agents performing meter reading tasks, shall produce such identification and information as to purpose only when requested.

103-345. Customer Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the electrical utility shall be investigated promptly, thoroughly, and professionally. The electrical utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. When the Commission has notified the electrical utility that a complaint has been received concerning a specific account, the electrical utility shall refrain from discontinuing the service of that account until the Commission's investigation is completed and the results have been received by the electrical utility.

103-346. Rate Schedule, Rules and Regulations.

Copies of all schedules of rates for service, forms of contracts for service, charges for service connections and of all rules and regulations covering the relations of customer and electrical utility, shall be filed by each electrical utility and approved by the Commission in the office of the Commission. Complete schedule, contract forms, rules and regulations, etc., as filed with and approved by the Commission, shall also be on file in the local offices of the electrical utility and shall be available for inspection by the public.

103-347. System Which Utility Must Maintain.

Each electrical utility, unless specifically relieved by the Commission from such obligation, shall operate and maintain in a safe, efficient and proper condition all of the facilities and equipment used in connection with the regulation, measurement and electric service to any customer up to and including the point of delivery into the facilities owned by that customer.

103-348. System Extensions.

Each electric supplier shall be obligated to comply with all requests for service in accordance with its schedules of rates and service rules and regulations on file with the Commission within areas assigned to it by the Commission and within 300 feet of its lines as they existed on the date of assignment.

103-349. Replacement of Meters.

Whenever a customer requests the replacement of an electric meter on his premises, such request shall be treated as a request for the test on such meter, and, as such, shall fall under the provisions of 103-373--Test Procedures and Accuracies.

103-350. Service Entrance Changes.

Whenever a customer requests the electrical utility to relocate the electrical utility's service entrance, the electrical utility may require reasonable charges to cover the cost incurred.

103-351. Temporary Service.

When the electrical utility renders temporary service to a customer, it may require that the customer bear all the cost of installing and removing the service in excess of any salvage realized.

103-352. Procedures for Termination of Service.

Prior to the termination of electric service pursuant to R.103-342 e.--m., the following procedures shall be employed by the electrical utility.

a. Not less than ten (10) days prior to termination of service, the electrical utility shall mail a notice of termination to the affected customer. The notice of termination of service shall include, as a minimum, the following information:

1. Address, telephone number and working house of the person(s) to be contacted by the customer for the arrangement of a personal interview with an employee of the electrical utility with the authority to accept full payment or make other payment arrangements.

2. The total amount owed by the customer for electrical services rendered, the date and amount of the last payment and the date by which the customer must either pay in full the amount outstanding or make satisfactory arrangements for payment by installments of such amount.

3. The statement that service to a residential customer during the months of December through March will not be terminated where such customer, or a member of his household at the premises to which service is rendered, can furnish to the utility, no less than (3) days prior to termination of service or to the terminating crew at time of termination, a certificate on a form provided by the utility and signed by a licensed physician, that termination of electric service would be especially dangerous to such person's health. Such certificate must be signed by the customer and state that such customer is unable to pay in full the amount of the charges due for electrical service or is unable to pay by installments. A certification shall expire on the thirty-first day from the date of execution by the physician. Such certification may be renewed no more than three (3) times for an additional thirty (30) day period each. Upon renewal of the certification, the electrical utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to him.

4. The availability of investigation and review of any unresolved dispute by the Commission Staff and include the Commission's toll free telephone number.

b. Not more than two (2) business days prior to termination of service, the electrical utility shall make reasonable efforts either by telephone or in person to contact the customers that is subject to termination of service to notify him that his service is subject to termination for non-payment. Alternatively, not more than three (3) business days prior to termination of service, the electrical utility shall notify the customer by mail that he is subject to termination of service for non-payment. The electrical utility shall maintain records of the efforts made to contact such customers. Termination of service may be delayed in case of inclement weather, emergencies or operational conflicts.

c. The electrical utility shall provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for electrical service. The deferred payment plan shall require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R.103-339(3). Service to such customer shall not be terminated unless the electrical utility has informed the customer that such deferred payment plan is available. Any agreement to extend or defer a payment cut off date by more than five work days is a deferred payment plan. If a customer fails to conform to the terms and conditions of such deferred payment plan, the electrical utility may terminate service upon three (3) days written notice, if personally delivered, or upon five (5) days notice by mail.

d. If a residential customer informs the utility that he is unable to make payment in full on his account or to make arrangements for the satisfaction of the balance of his account through a deferred payment plan, the electrical utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to him.

e. The electrical utility shall maintain a record of all deferred payment plans established with customer subject to termination for a period of two (2) years.

f. The electrical utility shall provide a copy of the termination notice to any third party identified by the customer upon establishment of the service account or at any time thereafter.

g. Electric service maybe terminated only on Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m., unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. Electric service may not be terminated on the day preceding any day on which the electric utility's collection offices are closed, unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. All employees of electrical utilities assigned to terminate service shall be authorized to accept payment from customers subject to termination of service or in lieu thereof, at the utilities' option, allow such customer at least one full working day beyond the initial date set for termination the opportunity to make satisfactory arrangements on the account at the offices of the utility; provided, however, that in certain areas where it has been determined by the utility that the safety of its employees warrants it, those employees shall not be required to accept payments from customers subject to termination.

SUBARTICLE 5.

ENGINEERING

103-360. Requirements for Good Engineering Practice.

The electric plant of an electrical utility shall be constructed, installed, maintained and operated in accordance with good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service, and the safety of persons and property.

103-361. Acceptable Standards.

Unless otherwise specified by the Commission, after hearing if requested, the electrical utility shall use the applicable provisions of the latest edition, Part 2, of the "National Electrical Safety Code", as minimum standards of accepted good engineering practice.

103-362. Acceptable .

Part 2 of the "National Electrical Safety Code" (latest edition), is considered by this Commission to be an acceptable reference.

New additions to Part 2 of the National Electrical Safety Code shall become effective six months after the date of final approval by the American National Standards Institute unless a request for a hearing has been granted by the Commission.

103-363. Adequacy of Service.

1. Operation of Electrical Utility.

A. Standard Frequency--Each electrical utility supplying alternating current shall adopt a standard frequency of 60 Hertz, suitability of which has been determined by the Commission, and shall maintain this frequency within 15 seconds plus or minus of standard at all times during which service is supplied; provided, however, that momentary variations of frequency of more than 15 seconds which are clearly due to no lack of proper equipment or reasonable care on the part of the electrical utility, shall not be construed a violation of this rule.

B. Standard Voltage--Each electrical utility shall adopt standard average voltage for its different classes of constant voltage service. This voltage maintained at the electrical utility mains shall at all times be

reasonably constant, and the variations in voltage from the average shall in no case exceed the limitations as prescribed below.

For service rendered for lighting purposes plus or minus voltage variations from the standard adopted, shall not exceed 5%. For service rendered for power or primarily for power purposes, the voltage variations should not exceed 10% above or below the standard average voltage.

A greater variation of voltage than specified above may be allowed when service is supplied directly from the transmission line or in a limited or extended area where customers are widely scattered, and the business done does not justify close voltage regulation. In such cases, the best voltage regulation should be provided that is practicable under the circumstances.

Variations in the voltage in excess of those specified, caused by the operation of power apparatus on customers' premises which necessarily requires large starting current by the action of the elements, and by infrequent and unavoidable fluctuations of short duration due to station operation, shall not be construed a violation of this rule.

C. Special Equipment--Where a separate transformer or other additional electrical utility standard equipment or capacity is to be used to eliminate fluctuations or other effects detrimental to the quality of service to other customers due to welding or x-ray equipment, etc., the electrical utility may make a reasonable charge for the transformer, equipment and line capacity required. In lieu of the above, the electrical utility may require the customer to either discontinue the operation of the equipment causing the disturbance or install the necessary motor generator set or other apparatus to eliminate the disturbance detrimental to the service of other customers.

D. When only one set of overhead service wires (service drop) is required to connect a small customer to electric service mains, the electrical utility shall provide such service drop including the attachments at the point where service drop wires are attached to customer's premises, which point shall be the point nearest the utility's electric circuit to be used in supplying service to the customer. The customer shall provide "service entrance facilities" including meter loop, entrance switch or circuit breaker, and service entrance conductors complying with rules of the utility from the point of attachment of the utility's service drop on the customer's premises. The customer shall provide a substantial point of attachment for service drop wires. This provision does not apply to large customer connections as they vary so greatly that each requires special consideration. When service to the customer requires individual electrical utility company facilities (such as oil circuit breakers, transformers, etc.), to be located on customer's premises on the ground or in a vault, the customer shall provide a suitable, adequate and readily accessible space for such facilities and shall insure access at all times. Electrical utility property installed on a customer's premises shall remain property of the electrical utility and may be removed for testing, repairs, changes in service or other conditions justifying change or removal.

E. For substations erected to serve an individual customer, the electrical utility shall provide either suitable supports on the substation structure or a suitable structure outside and immediately adjacent to its substation property line to which the customer shall extend his facilities. The customer in addition shall install, or cause to be installed, all facilities beyond the point of delivery thus established. When required by the electrical utility, the customer shall install one set of main disconnecting switches which shall control all of the customer's load other than a fire pump circuit, if any.

F. The meter installation of the electrical utility may include enclosures that may be locked by the electrical utility and not accessible to the customer.

2. Voltage Surveys and Records.

A. Each electrical utility shall provide itself with suitable indicating and/or recording voltmeters, and shall make a sufficient number of voltage tests periodically so as to insure compliance with the voltage requirements cited above. These tests shall be made at appropriate points upon the electrical utility's distribution lines.

B. Each electrical utility shall have installed at its generating stations suitable instruments to indicate the frequency and voltage of the service rendered from that station, together with the load or loads demanded in each such station. Each electrical utility shall keep a station record at attended stations which shall show: (1) the time of starting and shutting down the generating units; (2) readings of such instruments as

necessary; and (3) all interruptions to service affecting bus bars or distribution systems, with the time, duration, and the cause (when known) of the interruption.

SUBARTICLE 6.

INSPECTIONS AND TESTS

103-370. Electrical Utility Inspection and Tests.

Each electrical utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herein provided or as may be approved or ordered by the Commission.

1. Periodic Tests of Meters. Each electrical utility shall test each watt-hour meter, and if necessary, recalibrate according to the following schedule:

a. Meters used with instrument transformers:

1. Polyphase meters--at least once in four (4) years.

2. Single-phase meters--at least once in eight (8) years.

b. Self-contained polyphase meters--at least once in six (6) years.

c. Self-contained single-phase and three wire network meters--at least once in eight (8) years.

d. Single-phase meters may be tested and calibrated in accordance with "Sample Meter Testing Plans" approved by the Commission. Electrical utilities using a "Sample Meter Testing Plan" shall continue to advise the Commission of the results of the operation of the plan.

2. Meter Testing on Request of Customers.

A. Each electrical utility shall, at any time (when requested in writing by a customer) upon reasonable notice, test the accuracy of the meter in use by him.

B. No deposit or payment shall be required from the customer for such meter test except when a customer requests a meter test within one year after date of installation or the last previous test of a meter, in which case he shall be required upon request by the electrical utility to deposit the estimated cost of the test, but not to exceed \$15.00 without approval of the Commission. The amount so deposited with the electrical utility shall be refunded or credited to the customer, if the meter is found, when tested, to register more than 2% fast or slow, otherwise the deposit shall be retained by the electrical utility.

C. A customer may request to be present when the electrical utility conducts the test on his meter, or if he desires, may send a representative appointed by him. The electrical utility shall honor such request.

D. A report giving the name of the customer requesting the test; the date of the request; the location of the premises where the meter has been installed; the type, make, size, and serial number of the meter; the date of removal; the date tested; and the result of the test shall be kept by the electrical utility.

103-371. Commission Inspections and Tests.

The Commission shall make tests of meters as follows:

a. Upon written request to the Commission by a customer or an electrical utility, a test will be made of the customer's meter as soon as practicable.

b. On receipt of such request, the Commission shall notify the electrical utility, and the electrical utility shall not knowingly remove or adjust the meter until instructed by the Commission. The Commission shall supervise the test of the meter, using the Commission's rotating standard, or the Commission Standard with such standard being compared with the electrical utility's standard. The results of the test shall be made available to the customer.

c. The customer shall be notified of the test in sufficient time to allow him or his representative to be present.

d. The Commission shall make a written report of the results of the test to the customer and to the electrical utility.

103-372. Facilities and Equipment for Testing.

A. Each electrical utility furnishing metered electric service shall, unless specifically excused by the Commission, provide and have available such meter laboratory, standard meters, instruments and facilities as may be necessary to make the tests required by these rules, together with such portable indicating electrical testing instruments, watt-hour testing meters, and facilities of suitable type and range for testing service watt-hour meters, voltmeters and other electrical equipment, used in its operation, as may be deemed necessary and satisfactory to the Commission.

B. All portable indicating electrical testing instruments such as voltmeters, ammeters and wattmeters, when in regular use for testing purposes, shall be checked against suitable reference standards whenever used in testing service meters of the electrical utility.

C. When the size of the electrical utility is such that it is more economical to contract for meter testing, such procedure is authorized provided the contract work is done by a recognized meter testing laboratory.

103-373. Test Procedures and Accuracies.

1. Method of Determining Average Error of Meters.

A. Field testing the average error of a service watt-hour meter shall be determined as follows: The error at Light Load, here defined as approximately 10% of the rated capacity (Test Amperes) of the meter, shall be determined by taking the average of at least two errors determined from as many separate tests on the same Light Load, which error must agree within one-half percent (1/2 %).

In the same manner, the error at Full Load, here defined as approximately the rated capacity (Test Amperes) of the meter, shall be determined. The average error of the meter shall then be determined by taking the average error at Light Load plus four times the error at Full Load (Test Amperes) and dividing this sum by five, proper consideration being taken of the sign of the two errors.

B. Meter Shop Testing--When an electronic test board is used, the average error of a watt-hour meter shall be determined as follows: The error at Light Load, here defined as approximately 10% of the rated capacity (Test Amperes) of the meter, shall be determined. The error at Full Load, here defined as approximately the rated capacity of the meter or Test Amperes, shall be determined. The average error of the meter shall then be determined by taking the error at Light Load plus four times the error at Full Load (Test Amperes) and dividing this sum by five, proper consideration being taken of the sign of the two errors.

2. Meter Accuracy.

A. Creeping: No watt-hour meter which registers on "no load" when the applied voltage is less than one hundred and ten (110) percent of standard service voltage shall be placed in service or allowed to remain in service.

B. Initial Accuracy Requirements--No watt-hour meter shall be in service which is in any way mechanically defective, or which has incorrect constants, or which has not been tested individually or under a sample meter testing plan approved by the Commission for accuracy of measurement and adjusted, if necessary, to meet these requirements at unity power factor:

Average error not over 0.5% plus or minus;

Error at Full Load (Test Amperes) not over 0.5% plus or minus;

Error at Light Load not over 1.0% plus or minus.

C. Adjustment After Test--Whenever a test made by an electrical utility or by the Commission on a service watt-hour meter connected in its permanent position in place of service shows that the average error is greater than that specified allowed above, the meter shall be adjusted to bring the average error within the specified initial accuracy limits, or the meter shall be replaced.

3. Test Instruments.

Each electrical utility shall own and maintain such rotating standard watt-hour meters, such instrument transformers, voltmeters, ammeters and such other instruments necessary in maintaining the accuracy of its standards used in testing the meters serving its customers.

SUBARTICLE 7.

STANDARDS AND QUALITY OF SERVICE

103-380. Quality of Service.

Each electrical utility shall provide the best possible service that can be reasonably expected from the facilities of that electrical utility. When the quality or quantity of service falls below what can be reasonably expected, the electrical utility shall, as soon as practicable, provide the proper service.

103-381. Interruption of Service.

A. Each electrical utility shall make all reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with safety of its employees, customers, and of the general public.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by a reasonable attempt to give adequate notice to those who will be affected.

103-382. Restrictions on the Use of Service.

A. The electrical utility may impose reasonable restrictions on the use of electric service during periods of shortage of supply, excessive demand or other difficulty which jeopardizes the supply of service to any group of customers.

B. The electrical utility may impose reasonable restrictions on the use of electric service by customers who create conditions which prevent the electrical utility from supplying satisfactory service to that customer, or to other customers.

C. If an electrical utility finds that it is necessary to restrict the use of electric service, it shall notify its customers and give the Commission written notice, except in emergencies, before such restriction becomes effective. Such notification shall specify:

1. The reason for restriction.
2. The nature and extent of the restriction, i.e., amount and time of use by certain classes of customers, etc.
3. The date such restriction is to go into effect.
4. The probable date of termination of such restriction.

D. The electrical utility shall not be required to furnish service to customers whose equipment is operated in such manner as to cause unreasonable voltage fluctuations on the electrical utility's circuits, which fluctuations are detrimental to service to other customers.

103-383. Special Tests.

The electrical utility shall conduct such special and regular tests of its generating transmission and distribution plant as will enable the electrical utility to provide the best service possible at the most reasonable cost to the customers of the electrical utility.

SUBARTICLE 8.

SAFETY

103-390. Acceptable Standards.

As criteria of accepted good safety practice of the electrical utility, the Commission shall use the applicable provisions of the standards listed in 103-361.

103-391. Protective Measures.

A. Each electrical utility shall exercise reasonable care to reduce the hazards to which its employees, its customers and the general public may be subjected.

B. The electrical utility shall give reasonable assistance to the Commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

C. Each electrical utility shall maintain a summary of all reportable accidents arising from its operations. (See 103-315.)

103-392. Safety Program.

Each electrical utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

b. Instruct employees in safe methods of performing their work.

c. Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration.

d. Establish liason with appropriate public officials, including fire and police officials in anticipation of a potential emergency.

e. Establish an educational program to enable customers and the general public to recognize and report an electrical emergency to the appropriate officials.

ARTICLE 4.

GAS SYSTEMS

SUBARTICLE 1.

GENERAL

103-400. Authorization of Rules.

A. Section 58-5-210 of the Code of Laws of South Carolina, 1976, provides: "That the Public Service Commission is hereby, to the extent granted, vested with power and jurisdiction to supervise and regulate the rates and service of every 'Public Utility' in this State as defined in this Act, together with the power, after hearing, to ascertain and fix such just and reasonable standards, classifications, regulations, practices and measurements of service to be furnished, imposed, observed and followed by every public utility in this State, and the State hereby asserts its rights to regulate the rates and services of every 'Public Utility' as herein defined."

In accordance with the above provisions, the Public Service Commission has adopted the following Rules and Regulations and fixed the following standards for gas service to become effective June 30, 1976. All previous rules or standards are hereby revoked, annulled, and superseded.

B. S. C. Code Ann. Section 58-5-970 (1976), provides that the Public Service Commission "is authorized to adopt and enforce the minimum Federal Safety Standards for the transportation of gas and pipeline facilities established by the Secretary of Transportation pursuant to Section 3(b) of the Natural Gas Pipeline Safety Act of 1968 as may be amended from time to time".

C. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility.

Furthermore, these rules shall not in any way relieve either the Commission or the utilities of any duties under the laws of this State.

103-401. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, association, establishment, or corporation which is now or may hereafter become engaged as a public utility in the business of

furnishing gas to any gas customer within the State of South Carolina, except where municipalities or agents thereof, and/or any gas authorities are specifically exempted by statute.

2. Purpose. The rules are intended to define good practice. They are intended to insure adequate and reasonable service. The utilities shall assist the Commission in the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver be in the public interest.

103-402. Definitions.

The following words and terms, when used in these rules, shall have the meaning indicated:

1. Commission. "Commission" means the Public Service Commission of South Carolina.

2. Gas Utility. "Gas Utility" includes every privately-owned corporation, firm or person furnishing or supplying gas service to the public, or any portion thereof, for compensation. Provided, however, this term shall not include any gas utility owned or operated by any municipality or agency thereof; nor shall it include any gas utility owned or operated by any gas authority specifically exempted by statute from the jurisdiction of the Commission.

3. Customer. "Customer" means any person, firm, association, establishment, partnership or corporation, or any agency of the Federal, State, or local government, being supplied with gas service by a gas utility under the jurisdiction of this Commission.

4. "Gas System" includes all gas utilities operating within this State, including gas authorities, municipalities, public service districts and other political subdivisions of this State insofar as they are within the jurisdiction of the Commission for regulation of safety standards and conditions, pursuant to S. C. Code Ann. Section 58-5-920(f) (1976).

5. Municipality. "Municipality" includes a city, town, county, township and any other corporation existing, created or organized as a governmental unit under the Constitution and Laws of this State.

6. Rate. "Rate" when used in these Rules and Regulations means and includes every compensation charge, toll, rental, and classification, or any of them, demanded, observed, charged or collected by any gas utility for any gas service offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, toll, rental or classification.

7. Gas. "Gas" or "Natural Gas" means either natural gas unmixed, or any mixture of natural and manufactured gas, including but not limited to, synthetic natural gas and liquefied petroleum.

8. Gas Service. "Gas Service" means those functions performed by a gas utility for its customers, including the purchase and/or manufacture of gas, storage of gas, transportation and delivery of gas to the customer.

103-403. Authorization for Rates and Charges.

A. All rates, tolls and charges proposed to be put into effect by any gas utility shall be first approved by this Commission before they shall become effective, unless they are exempt from such approval by statute, Order of this Commission, or other provision of law.

B. No schedule of rates, tolls, or charges under jurisdiction of the Commission, differing from the approved tariffs or rates, shall be changed until after proposed change has been approved by the Commission.

C. No rates, tolls, charges, nor service of any gas utility shall be deemed approved nor consented to by mere filing of schedules or other evidence thereof in the offices of the Commission, unless such proposed adjustment is made in accordance with tariff provisions which have previously been approved by the Commission.

D. All contracts between any industrial customer and any gas utility which establish or adjust rates for that industrial customer may become effective as of the dates of the contracts unless disapproved or modified by the Commission in the public interest. Such contracts shall be filed with the Commission within seven (7) days of execution.

103-404. Territory and Certificates.

A. No public utility supplying gas to the public shall hereafter begin the construction or operation of any gas facility, or of any extension thereof, without first obtaining from the Commission a certificate that public convenience and necessity requires or will require such construction or operation; such certificate to be granted only after notice to other interested gas utilities and to the public, and after due hearing; provided, however, that this regulation shall not be construed to require any such gas utility to secure a certificate for any extension within any municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it, necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another gas utility; but if any gas utility in constructing or extending its lines, plant or facilities unreasonably interferes, or is about to unreasonably interfere, with the service or system of any other gas utility, the Commission may make such order and prescribe such terms and conditions in harmony with this regulation as are just and reasonable.

B. The term "public utilities supplying gas to the public" shall include all utilities supplying gas to the public, including natural gas and manufactured gas when such manufactured gas is used to supplement flowing gas supply.

103-405. Utility Rules and Regulations.

Each gas utility shall adopt such rules, regulations, practices, service requirements, terms and conditions, etc. as may be necessary in the operation of gas service to its customers which shall be filed with and subject to review and order of the Commission, unless otherwise specified.

SUBARTICLE 2.

RECORDS AND REPORTS

103-410. Location of Records and Reports.

All records required by these rules or necessary for the administration thereof, shall be kept within this State, unless otherwise authorized by the Commission. These records shall be available for examination by the Commission or its authorized representatives at all reasonable hours.

103-411. Retention of Records.

1. Retention Period. Unless otherwise specified by the Commission or by regulations governing specified activities, all records required by these rules and regulations shall be preserved for two years.

2. Test and Inspection Records. A complete record shall be kept of all tests and inspections made under these rules as to the quality or condition of service which it renders.

3. Contents of Test Records. All records of tests shall contain complete information concerning the test, including the date, hour, and place where the test was made; the name of the person making the test and the result.

103-412. Data to be Filed with the Commission.

1. Annual Report. Each gas utility operating in this State shall make an annual report to the Commission giving such information as the Commission may direct.

2. Current Information and Documents. The gas utilities shall file with the Commission the following documents and information.

2.1. Tariff. A copy of the gas utility's tariff which shall include:

A. A copy of each schedule of rates for service, together with applicable riders.

B. A copy of the gas utility's rules or terms and conditions, describing the gas utility's policies and practices in rendering jurisdictional gas service. These rules shall include:

1. The minimum and maximum heating value of the gas in BTU's per cubic foot.

2. A list of the classes of items which the gas utility furnishes and maintains on the customer's premises, such as service pipe, meters, regulators, vents and shutoff valves.
3. A statement indicating the minimum number of days allowed for payment of the gross amount of the customer's bill before service will be discontinued for non-payment.
4. A statement indicating the volumetric measurement base to which all sales of gas at other than standard delivery pressure are corrected.
- 2.2. Customer Bill. A copy of each type of bill form used in billing for gas service.
- 2.3. Operating Area Map. A map showing the gas utility's operating area. This map shall be revised annually unless such revision is unnecessary, in which event the utility shall notify the Commission that the map on file is current. The map should show:
 - a. Gas production plant.
 - b. Principal storage facilities.
 - c. Transmission lines and principal mains by size and valves located thereon.
 - d. System metering (supply) points.
 - e. State boundary crossings.
 - f. Certified area and/or territory served.
 - g. Names of all communities (post offices) served.
- 2.4. Authorized Representative. The gas utility shall advise the Commission of the name, title, address and telephone number of the person or persons who should be contacted in connection with:
 - a. General management duties.
 - b. Customer relations (complaints).
 - c. Engineering and/or operations.
 - d. Meter tests and repairs.
 - e. Emergencies during non-office hours.
- 2.5. Contract Forms. A copy of the gas utility's gas service contract forms, and special gas service contract forms.
- 2.6. Pipeline Safety. All gas systems subject to pipeline safety regulation shall file with the Commission those reports, policies and procedures required by the regulations to include, but not limited to, the following:
 - a. Inspection and maintenance manual.
 - b. Emergency plan.
 - c. Construction specifications.
 - d. Welding procedures.
 - e. Procedures for corrosion control.
 - f. Annual reports as required by the Office of Pipeline Safety.
 - g. Reports of leaks which involve property damage in excess of \$5000.
- 2.7. Construction Costs. All gas systems subject to pipeline safety regulation shall notify the Commission of any construction projects with costs of \$1,000,000 or more.

103-413. Inspection of Utility Plant.

- A. Each gas utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as the Commission may require.
- B. Each gas utility shall keep sufficient records to give evidence of compliance with its inspection program.

103-414. Interruption of Service.

Each gas utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division thereof, or any major community or any important division, consisting of at least fifty customers, of a community, including a statement of the time, duration and cause of such interruption. The Commission is to be notified by telephone of any such interruption as soon as

practicable after it comes to the attention of the gas utility and a complete written report made to the Commission after restoration of service, if such interruption is more than 6 hours in duration.

103-415. Accidents.

A. Each gas system shall, as soon as possible, report by telephone to the Commission each accident happening in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or hospitalized with injuries or whereby such reporting is required by Subarticle 8. Such telephonic report shall later be supplemented by written reports if required by Subarticle 8. Each gas system shall, as soon as possible, report by telephone to the Commission all gas leaks not reportable under the above criteria, but resulting in property damage in excess of \$5,000. Such telephonic report shall later be supplemented by written report giving the cause and other details of the incident.

B. Each gas system shall establish procedures for analyzing accidents for the purpose of determining the causes and minimizing the possibilities of recurrences.

103-416. Complaints.

Complaints concerning the charges, practices, facilities, or services of the utility shall be investigated promptly and thoroughly. Each gas utility shall keep a record of all such complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

103-417. Meter History.

Each gas utility shall maintain records of the following data, where applicable, for each billing meter for so long as such meter is in possession of the gas utility and for twelve months thereafter.

- a. Date of purchase.
- b. The complete identification--manufacturer, number, type, size, capacity, multiplier, and constants.
- c. The current and last previous locations, and the dates of installation at and removal from service at such locations.
- d. Repairs.

103-418. Meter Test Records and Reports.

A. Each gas utility shall maintain records of at least the last two tests made of any billing meter. The record of the meter test made at time of the meter's retirement shall be maintained for a minimum of two (2) years. Test records shall include the following:

1. The date and reason for the test.
2. The reading of the billing meter before making any test.
3. The accuracy "as found" at check and open rated flow.
4. The accuracy "as left" at check and open rated flow.
5. In the event test of the meter is made by using a test meter or a flow prover, the gas utility shall retain all data taken at the time of the test in sufficiently complete form to permit the convenient form to permit the convenient checking of the test methods and the calculations.

B. Whenever any gas service meter is tested the original test record shall be preserved, including the information necessary for identifying the meter, the reason for making the test, the reading of the meter upon removal from service, and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit convenient checking of the methods employed and the calculations.

SUBARTICLE 3.

METERS

103-420. Meter Requirements.

1. General. Service shall be measured by meters furnished by the gas utility unless otherwise authorized by the Commission, and such meters shall maintain the degree of accuracy as set forth in 103-423.
2. Measurement. Where applicable, each gas meter shall indicate clearly the unit of gas registered by such meter. Where gas is metered under high pressure, or where the quantity is determined by calculation from recording devices, the gas utility shall, when requested, supply the customer with such information as will make clear the method by which the quantity is determined.
3. Absorptive-Type Diaphragms. No meter removed from service equipped with an absorptive-type diaphragm shall be returned to service, unless such meter has been equipped with a non-absorptive type diaphragm.

103-421. Meter Reading.

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis of not less than 28 days nor more than 34 days.

103-422. Meter Reading Sheet, Card, or Instrument.

The meter reading sheets, cards, or instruments shall show:

- a. Customer's name and service address.
- b. Identifying number and/or description of the meter(s).
- c. Meter Readings.
- d. If the reading has been estimated.
- e. Location of meter on premises.

103-423. Meter Accuracy and Condition.

A. Every gas meter, whether new, repaired, or removed from service for any cause, shall be in good order before being installed for the use of any customer and shall be correct to within the limits prescribed in 103-475(5).

B. Care shall be taken to insure that every gas meter being transported or stored to install or test for the use of any customer is handled in a manner that will not affect the condition of such meter.

103-424. Meter Seal.

Immediately after the pre-installation tests or field tests of a billing meter on other billing device, a seal shall be affixed or other means provided, where practical, designed to discourage or reveal tampering or theft of gas.

103-425. Location of Meter.

A. No customer's meter shall be installed in any location where it may reasonably be expected to be exposed to damage or in any unduly dirty or inaccessible location.

B. Outdoor meters shall be used where practicable.

103-426. Change in Character of Service.

A. In order that the gas utility may provide a proper service facility and metering installation, the customer shall advise the gas utility of the expected service requirements and shall also advise the gas utility of any increase or decrease in the load to be provided by the gas utility in sufficient time to change service characteristics.

B. In case any substantial change is made by the gas utility in the service conditions which would affect the operation or adjustment of appliances of customers, the affected appliances shall be readjusted by the gas utility for the conditions without charge.

SUBARTICLE 4.

CUSTOMER RELATIONS

103-430. Customer Information.

Each gas utility shall:

- a. Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the gas utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- b. Notify each affected customer in writing, as prescribed by this Commission, of any proposed change in rates and charges. Unless the Commission orders otherwise, this notice requirement shall not apply to Purchased Gas Adjustments, Curtailment Adjustments, and Exploration Adjustments. Certification that the above notice requirement has been met shall be furnished the Commission by the gas utility.
- c. Post a notice in a conspicuous place in each office of the gas utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the gas utility, as filed with and approved by the Commission, are available for inspection.
- d. Upon request, inform its customers as to the method of reading meters, as to billing procedures, and shall assist customers in selecting the most economical rate schedule applicable and method of metering the service, except as otherwise provided for by the Commission.
- e. Each gas system shall provide adequate means (telephone, etc.) whereby each customer can contact the gas system or authorized representative at all hours in cases of emergency or unscheduled interruptions of service.
- f. Each gas utility shall, upon request, give its customers such information and assistance as is reasonable and proper in order that customers may secure safe and efficient service.
- g. Notify any customer making a complaint recorded pursuant to 103-416, that the gas utility is under the jurisdiction of the Commission and the customer may notify the Commission of his complaint.
- h. Notify each affected customer of the possibility and degree of anticipated seasonal natural gas curtailments. Such notification shall be sent by the gas utility to its customers as soon as the gas utility becomes aware of the possible imposition of any curtailment. The Commission shall be informed by the gas utility whenever such notification has been given to its customers.

103-431. Customer Deposits.

A. Each gas utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

1. The customer's past payment record to a gas utility shows delinquent payment practice, i.e., customer has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears in the past 24 months, or
2. A new customer cannot demonstrate that he is a satisfactory credit risk by appropriate means including, but not limited to, letters of good credit from a reliable source, or references which may be quickly and inexpensively checked by the Company or cannot furnish an acceptable cosigner or guarantor on the same system within the state of South Carolina to guarantee payment, or
3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears in the past 24 months, or
4. A customer has had his service terminated for non-payment or fraudulent use.

B. Each utility shall inform each prospective customer of the provisions contained in (A) of this rule.

103-432. Amount of Deposit.

A. A maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months based on the experience of the preceding twelve (12) months or portion of the year, if on a seasonal basis.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and payment habits of the customer.

C. A schedule of deposits based upon an analysis of 60 days usage for categories of customers falling within a specified range may be required by the company upon being filed and approved by the Commission.

D. Special offerings may be exempt as determined by the Commission.

103-433. Interest on Deposits.

A. Simple interest on deposits at the rate of the current effective interest rate per annum prescribed by Order of the South Carolina Public Service Commission shall be paid by the gas utility to each customer required to make such deposit for the time it is held by the gas utility, provided that no interest need to be paid unless the deposit is held longer than six (6) months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-434. Deposit Records.

Each gas utility shall keep records as to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. Each transaction concerning the deposits.

103-435. Deposit Receipt.

Each gas utility shall issue a receipt of deposit to each customer from whom a deposit is received and shall provide means whereby a customer may establish his claim if his receipt is lost.

103-436. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months.

103-437. Unclaimed Deposit.

A record of each unclaimed deposit must be maintained for at least two (2) years, during which time the gas utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the South Carolina Tax Commission as prescribed by state law.

103-438. Deposit Credit.

Where a customer has been required to make a guarantee deposit, this shall not relieve the customer of the obligation to pay the service bills when due. Where such deposit has been made and service has been discontinued for reason of non-payment of bill or otherwise, a gas utility shall apply the deposit of such customer toward the discharge of such account and shall as soon thereafter as practicable, refund the customer any excess of the deposit. If, however, the customer whose service has been disconnected for non-payment, pays the full amount billed within 72 hours after service has been disconnected and applies for reconnection, the gas utility may not charge an additional deposit except under the provisions of 103-432.

103-439. Customer Billing.

The gas utility shall bill each customer as promptly as practicable following the reading of his meter and render a receipt of payment upon request.

1. New Service. Meters shall be read at the initiation and termination of any service and billing shall be based thereon.
2. Bill Forms. The bill shall show:
 - a. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.
 - b. The date on which the meter was read, and the date of billing and the latest date on which it may be paid without incurring a penalty and the method of calculating such penalty.
 - c. The number and kind of units metered.
 - d. The applicable rate schedule, or identification of the applicable rate schedule. If the actual rates are not shown, the bill should carry a statement to the effect that the applicable rate schedule will be furnished on request.
 - e. Any estimated usage shall be clearly marked with the word "estimate" or "estimated bill".
 - f. Any conversions from meter reading units to billing units or any information necessary to determine billing units from recording or other devices, or any other factors, such as PGA or BTU adjustments, used in determining the bill. In lieu of such information on the bill, a statement must be on the bill advising that such information can be obtained by contacting the gas utility's local office.
 - g. Amount for gas usage.
 - h. Amount of South Carolina Sales Tax (dollars and cents).
 - i. Total amount due.
 - j. Number of days for which bill is rendered or beginning and ending dates for the billing period.
3. Late Payment Charges. A maximum of one and one-half percent (1 1/2 %) may be added to any unpaid balance not paid within 25 days of the billing date to cover the cost of collection and carrying accounts in arrears. This method of late-payment charge will be made in lieu of any other penalty.
4. Payment by Check. The gas utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.
5. Charges for Discontinuance and Reconnection. Whenever service is turned off for violation of rules or regulations, non-payment of bills or fraudulent use of service, the gas utility may make a reasonable charge, to be approved by this Commission, for the cost incurred in discontinuing the service and reconnection and require payment for service billed and for service used which has not previously been billed.
6. Estimated Bills. Each gas utility shall not send a customer an estimated bill except for good cause where the meter could not be read or was improperly registering. No more than one estimated bill shall be rendered within a 60 day period, unless otherwise agreed to by the customer.

103-440. Adjustment of Bills.

If it is found that a gas utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or less compensation for any service rendered or to be rendered by such gas utility than that prescribed in the schedules of such gas utility applicable, thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws or if it is found that any customer has received or accepted any service from a gas utility for a compensation greater or less than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

1. Fast or Slow Meters. If the overcharge or undercharge is the result of a fast or slow meter, then the method of compensation shall be as follows:
 - a. In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, as specified in 103-472.
 - b. In the event that the meter so tested is found to have an error in registration of more than two (2) percent, the bill shall be increased or decreased accordingly, if the time at which the error first developed or occurred can be definitely determined. If such time cannot be determined, such correction shall not be made for more than six (6) months.

2. Customer Wilfully Overcharged. If the gas utility has wilfully overcharged any customer, except as provided for in 1 of this rule, then the method of adjustment shall be as provided in S. C. Code Ann., Section 58-5-370 (1976).

3. Customer Inadvertently Overcharged. If the gas utility has inadvertently overcharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human or machine error except as provided in 1 of this rule, the gas utility shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed as prescribed by the following:

a. If the interval during which the customer was overcharged can be determined, then the gas utility shall credit or refund the excess amount charged during that entire interval, provided that the applicable statute of limitations shall not be exceeded.

b. If the interval during which the customer was overcharged cannot be determined then the gas utility shall credit or refund the excess amount charged during the 12 month period preceding the date when the billing error was discovered.

c. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined then the refund shall be based on an appropriate estimated usage and/or demand.

4. Customer Undercharged Due to Wilfully Misleading Company. If the gas utility has undercharged any customer as a result of a fraudulent or wilfully misleading action of that customer, or any such action by any person (other than the employees or agents of the company), such as tampering with, or bypassing the meter when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the gas utility as such, then notwithstanding 1 of this rule, the gas utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the gas utility shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.

b. If the interval during which the customer was undercharged cannot be determined, then the gas utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the gas utility.

c. If the usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on the appropriate estimated usage and/or demand.

d. If the metering equipment has been removed or damaged, then the gas utility shall collect the estimated cost of repairing and/or replacing such equipment.

5. Equal Payment Plans. A gas utility may provide equal payment plans, wherein the charge for each billing period is the estimated total annual bill divided by the number of billing periods prescribed by the plan. The difference between the actual and estimated annual bill is to be resolved by one payment at the end of the equal payment plan year, unless otherwise approved by the Commission. However, any incorrect billing under equal payment plan shall be subject to the first paragraph of this rule.

6. Customer Undercharged Due to Human or Machine Error. If the gas utility has undercharged any customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any human or machine error, except as provided in 1 and 2 of this rule above, then the gas utility shall recover the deficient amount as provided as follows:

a. If the interval during which a customer was undercharged can be determined, then the gas utility may collect the deficient amount incurred during that entire interval up to a maximum period of 12 months.

b. If the full interval during which a customer was undercharged cannot be determined, then the gas utility may collect only the deficient amount of that portion of the interval that can be determined up to a maximum period of 12 months.

- c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.
- d. If the usage incurred by that customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on a appropriate estimated usage.

103-441. Applications for Service.

- 1. Method. Applications for service may be verbal or in writing.
- 2. Obligation. The applicant shall, at the option of the gas utility, be required to sign a service agreement or contract. In the absence of such a service agreement or contract, accepted application shall constitute a contract between the gas utility and the applicant, obligating the applicant to pay for service in accordance with the gas utility's tariff or rate schedule currently on file with the Commission, and to comply with the Commission's and the gas utility's Rules and Regulations governing service supplied by the gas utility.
- 3. Termination. When a customer desires to have his service terminated, he must notify the gas utility; such notification may be verbal or in writing. The gas utility shall be allowed a reasonable period of time after receipt of such notice to take a final reading of the meter and to discontinue service.

103-442. Reasons for Denial or Discontinuance of Service.

Unless otherwise stated, a customer shall be allowed a reasonable time in which to correct any discrepancy which may cause discontinued service.

Service may be denied or discontinued for any of the following reasons:

- a. Without notice in the event of a condition determined by the gas utility to be hazardous or dangerous.
- b. Without notice in the event of customer use of equipment in such a manner as to adversely affect the gas utility's service to others.
- c. Without notice in the event of unauthorized or fraudulent use of gas utility service e.g.:
 - 1. Misrepresentation of the customer's identity.
 - 2. For reconnection of service by customer who has had service discontinued for violation of and/or non-compliance with the Commission's 103-442 et seq.
- d. Tampering

After the customer has applied for and/or received service from the gas utility, he shall make every reasonable effort to prevent tampering with the meter and service lines serving his premises. A customer shall notify the gas utility, as soon as possible, of any tampering with, damage to, or removal of any equipment. Tampering with meters or with lines carrying unmetered gas and unauthorized breaking of utility's seals is prohibited by law and shall not be tolerated by the utility. Such meter tampering shall include but shall not be limited to, unassigned meters, or altered meters. Should the utility find that the meter, service line, or seals have been tampered with, the Gas Utility shall give notice to the customer of possible discontinuance of service. Service may be continued or reconnected consistent with the following:

- 1. A customer can stop discontinuance of service or have service reconnected by paying a reasonable charge for an inspection (to insure proper operating conditions), a reasonable reconnect fee, and charges to compensate for any damages to the utility's facilities.
- 2. A customer's bill may be adjusted to reflect normal usage should any tampering reflect other than normal meter readings and the customer's bill may include the establishment of a deposit in accordance with the Commission's 103-432 et seq.

Nothing herein shall prevent the gas utility from instituting appropriate legal actions for violations of and/or non-compliances with the Commission's 103-442 et seq.

- e. For violation of and/or non-compliance with the Commission's 103-430 et seq., governing service supplied by the gas utility.
- f. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- g. For failure of the customer to permit the gas utility reasonable access to its equipment.

- h. For nonpayment of bill for service rendered provided that the gas utility has made reasonable efforts to effect collection and has complied with the provisions of R.103-452.
- i. For failure of the customer to provide the gas utility with a deposit as authorized by 103-431.
- j. For failure of the customer to furnish permits, certificates, and rights-of-way, as necessary in obtaining service, or in the event such permissions are withdrawn or terminated.
- k. For failure of the customer to comply with reasonable restrictions on the use of service, provided that notice has been given to the customer and that written notice has been furnished to the Commission.
- l. No gas utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted or any member of his household is indebted, under an undisputed bill to such gas utility for service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the gas utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.
- m. The gas utility may terminate a customer's service should the customer be in arrears on an account for service at another premises.

103-443. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

- a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service.
- b. Failure to pay for merchandise purchased from the gas utility.

103-444. Right of Access.

Authorized agents of the gas utility shall have the right of access to premises supplied with gas service at reasonable hours, for the purpose of reading meters, examining facilities and pipes, observing the manner of using service and for any other purpose which is proper and necessary in the conduct of the gas utility's business.

Such agents shall produce proper identification and shall inform the customer of the purpose of necessary access to occupied premises before entry except that agents performing meter reading tasks shall produce such identification and information as to purpose only when requested.

103-445. Customer Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the gas utility, shall be investigated promptly, thoroughly and professionally. The gas utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

B. Unless otherwise specified by the Commission, when the Commission has notified the gas utility that a complaint has been received concerning a specific account, the gas utility shall refrain from discontinuing the service of that account for the matter which is the subject of the complaint, until the Commission's investigation is completed, a period not to exceed thirty (30) days from receipt of the complaint by the Commission, and the results have been received by the gas utility.

103-446. Contracts, Rate Schedules, Rules and Regulations.

Copies of all schedules of rates for service, contracts for service which involve rates, forms of contracts for service, charges for service connections and extensions of mains, and all rules and regulations concerning the relations between the customer and gas utility, shall be filed with the Commission by each gas utility and shall be subject to prior approval by the Commission. All contracts for service between any industrial customer and any gas utility which establish or adjust rates for any industrial customer shall be filed with the Commission by each gas utility and may become effective as of the date of the contracts, unless disapproved or modified by the Commission. Complete schedules, contract forms, rules and regulations, etc., as filed with the Commission, shall also be available for public inspection at the local offices of the gas utility.

103-447. System Which Gas Utility Must Maintain.

Each gas utility, unless specifically relieved by the Commission from such obligation, shall operate and maintain in safe, efficient and proper conditions all of the facilities and equipment used in connection with the regulation, measurement and delivery of gas to any customer up to and including the point of delivery into the piping owned by the customer.

103-448. System Extensions.

When a prospective customer or customers of a gas utility makes application for service at a point not immediately adjacent to a service facility of a gas utility, and as long as the requirement for such service is reasonable, and the prospective service is in territory assigned by the Commission to the gas utility, the gas utility shall render service under reasonable terms and conditions, unless otherwise authorized by the Commission.

103-449. Replacement of Meters.

Whenever a customer requests the replacement of the gas meter on his premises, such request shall be treated as a request for the test of such meter, and, as such, shall fall under the provisions of 103-475, Test Procedures and Accuracies, and shall be subject to the provisions of 103-472.

103-450. Service Entrance Changes.

Whenever a customer requests the gas utility to relocate the gas utility's service entrance, the gas utility may require reasonable charges to cover costs incurred.

103-451. Temporary Service.

When the gas utility renders temporary service to a customer, it may require that the customer bear all cost of installing and removing the service in excess of any salvage realized.

103-452. Procedures for Termination of Service.

Prior to the termination of gas service pursuant to 103-442 e-m, the following procedures shall be employed by the gas utility:

a. Not less than ten (10) days prior to termination of service, the gas utility shall mail a notice of termination to the affected customer. The notice of termination of service shall include, as a minimum, the following information:

1. Address, telephone number and working hours of the person(s) to be contacted by the customer for the arrangement of a personal interview with an employee of the gas utility with the authority to accept full payment or make other payment arrangements.

2. The total amount owed by the customer for gas services rendered, the date and amount of the last payment and the date by which the customer must either pay in full the amount outstanding or make satisfactory arrangements for payment by installments of such amount.

3. The statement that service to a residential customer during the months of December through March will not be terminated where such customer, or a member of his household at the premises to which service is rendered, can furnish to the utility, no less than (3) days prior to termination of service, or to the terminating crew at time of termination, a certificate on a form provided by the utility and signed by a licensed physician, that termination of gas service would be especially dangerous to such person's health. Such certificate must be signed by the customer and state that such customer is unable to pay in full the amount of the charges due for gas service or is unable to pay by installments. A certification shall expire on the thirty-first day from the date of execution by the physician. Such certification may be renewed no more than three (3) times for an additional thirty (30) day period each. Upon renewal of the certification, the gas utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to him.

4. The availability of investigation and review of any unresolved dispute by the Commission Staff and include the Commission's toll free telephone number.
- b. Not more than two (2) business days prior to termination of service, the gas utility shall make reasonable efforts either by telephone or in person to contact the customer to notify him that his service is subject to termination for non-payment. Alternatively, not more than three (3) business days prior to termination of service, the gas utility shall notify the customer by mail that he is subject to termination of service for non-payment. The gas utility shall maintain records of the efforts made to contact such customers. Termination of service may be delayed in case of inclement weather, emergencies or operational conflicts.
- c. The gas utility shall provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for gas service. The deferred payment plan shall require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R.103-439(3). Service to such customer shall not be terminated unless the gas utility has informed the customer that such deferred payment plan is available. Any agreement to extend or defer a payment cut off date by more than five work days is a deferred payment plan. If a customer fails to conform to the terms and conditions of such deferred payment plan, the gas utility may terminate service upon three (3) days written notice, if personally delivered, or upon five (5) days notice by mail.
- d. If a residential customer informs the utility that he is unable to make payment in full on his account or to make arrangements for the satisfaction of the balance of his account through a deferred payment plan, the gas utility shall advise the customer that he may wish to call the local social service agency to determine what public or private assistance may be available to him.
- e. The gas utility shall maintain a record of all deferred payment plans established with customer subject to termination for a period of two (2) years.
- f. The gas utility shall provide a copy of the termination notice to any third party identified by the customer upon establishment of the service account or at any time thereafter.
- g. The gas service may be terminated only on Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m., unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. Gas service may not be terminated on the day preceding any day on which the gas utility's collection offices are closed, unless provisions have been made for the availability of the acceptance of payment and the reconnection of service. All employees of gas utilities assigned to terminate service shall be authorized to accept payment from customers subject to termination of service or in lieu thereof, at the utilities' option, allow such customer at least one full working day beyond the initial date set for termination the opportunity to make satisfactory arrangements on the account at the offices of the utility; provided, however, that in certain areas where it has been determined by the utility that the safety of its employees warrants it, those employees shall not be required to accept payments from customers subject to termination.

SUBARTICLE 5.

ENGINEERING

103-460. Criteria for Good Engineering Practice.

The gas plant of a gas utility shall be constructed, installed, maintained, and operated in accordance with good engineering practices and regulations included by reference as part of these rules to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

103-461. Acceptable Standards.

Unless otherwise specified by the Commission, after hearing is requested, the gas utility shall use the applicable provisions in the publications listed below as operational references, where applicable, and as standards of accepted good engineering practices.

- a. The latest edition of the American Standard Code for "Gas Transmission and Distribution Piping Systems", ANSI B31.8.
- b. The latest edition of the American Standards Association Pamphlet, ASA Z21.30, "Installation of Gas Appliances and Gas Piping in Buildings", or the latest edition of the National Board of Fire Underwriters publication NFPA No. 54, "Piping, Appliances and Fittings for City Gas".
- c. The current edition of the NFPA No. 59, "The Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants".
- d. "Standard Methods of Gas Testing", Circular No. 48, National Bureau of Standards, 1961. (The applicable portions of this Circular have been substantially reproduced in the American Meter Company Handbook E-4, covering the testing of positive displacement meters).
- e. "Testing Large Capacity Rotary Gas Meters", Research Paper No. 1741, National Bureau of Standards Journal of Research, September, 1946.
- f. "Orifice Metering of Natural Gas", Report No. 3 of the AGA Gas Measurement Committee.
- g. "Standard Method of Test for Calorific Value of Gaseous Fuels by Water-Flow Calorimeter", American Society for Testing Materials, Standard D 900-55.
- h. The current edition of NFPA No. 59A, "Storage and Handling of Liquefied Natural Gas".

103-462. Acceptable .

The following publications are considered by this Commission to be acceptable references:

- a. "Accuracy of the Recording Gas Calorimeter When Used With Gases of High BTU Content", by John H. Eisemen, National Bureau of Standards, and Elwin A. Potter, Gas Inspection Bureau of the District of Columbia, AGA Publication No. CEP-55-13.
- b. Reports prepared by the Practical Methods Committee of the Appalachian Gas Measurement Short Course, West Virginia University, as follows:
 - (1) Report No. 1, "Method of Testing Large Capacity Displacement Meters".
 - (2) Report No. 2, "Testing Orifice Meters".
 - (3) Report No. 3, "Designing and Installing Measuring and Regulating Stations".
 - (4) Report No. 4, "Useful Tables for Gas Men".
 - (5) Report No. 5, "Prover Room Practices".

103-463. Adequacy of Service.

The source of supply and transmission facilities for gas, and/or production and/or storage capacity of the gas utility's plant, supplemented by the gas supply regularly available from other sources, must to the extent reasonably practicable, be sufficiently large to meet all reasonably expectable demands for firm service, unless otherwise authorized by the Commission.

103-464. Inspection of Plant.

Each gas utility shall adopt a program of inspection of its gas plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the gas utility's experience and accepted good practice.

103-465. Abandonment of Facilities.

1. Service Lines. Each gas system shall conduct a study at intervals not exceeding twelve (12) months to determine the number of inactive service lines in their system and shall take necessary steps to meet the following:

- a. Inactive service lines for which there is no definite plan for future use or reasonable possibility for future use or are found to be in unsafe condition shall be physically disconnected from the gas supply at the main, purged and the open pipe ends shall be sealed.

- b. Inactive service lines for which there is a definite plan for future use or a reasonable possibility for future use may remain connected to the gas supply at the main if such lines are found to be in safe condition, provided that in addition to maintaining such lines in accordance with all other applicable requirements, such lines be monitored at intervals not exceeding twelve (12) months by leakage survey or other means adequate to detect conditions detrimental to public safety.
- c. Service lines need not be purged when the volume of gas is so small that there is no potential hazard.

SUBARTICLE 6.

INSPECTION AND TESTS

103-470. Utility Inspection and Tests.

A. Each gas utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herein provided or as may be approved or ordered by the Commission. Unless otherwise directed by the Commission, the methods and apparatus recommended by the National Bureau of Standards in the latest edition of its Circular No. 48, "Standard Methods of Gas Testing" may be used.

B. When the gas itself is to be tested pursuant to these rules, a "cubic foot" shall mean the quantity of gas necessary to fill a cubic foot of space when the gas is at an absolute pressure of 14.73 pounds per square inch and at a temperature of sixty (60) degrees Fahrenheit. For purposes of measurement of gas to a customer a cubic foot of gas shall be taken to be the amount of gas which occupies a volume of one cubic foot under the conditions existing in such customer's meter as and where installed.

103-471. Periodic Tests.

These test periods may be extended upon application and approved by the Commission, providing that the gas utility can prove by its own records that different test periods are adequate for the protection of the public. Meters may be tested and calibrated in accordance with "Sample Meter Testing Plans" approved by the Commission; and gas utilities using a "Sample Meter Testing Plan" shall continue to advise the Commission of the results of the operation of the plan.

a. Positive Displacement Meters.

- (1) Up to 251 c.f./hr. (at .5 in. water column differential pressure with non-absorptive diaphragm)-10 years.
- (2) Up to 251 c.f./hr. (at .5 in. water column differential pressure with absorptive type diaphragm)-5 years.
- (3) 251 to 3000 c.f./hr (at .5 in. water column differential pressure)-3 years.
- (4) Over 3000 c.f./hr. (at .5 in. water column differential pressure)-2 years.

b. Orifice Meters. 6 Months.

c. Turbine Meters. 6 Months.

d. Base Pressure Correcting Devices. 2 Years.

e. Base Volume Correcting Devices. 2 Years.

f. Recording Pressure and Temperature Gauges. 1 Year.

g. Secondary Standards.

- (1) Test Bottles, one cubic foot 5 Years.
- (2) Dead Weight Testers including Weights 5 Years.

h. Working Standards.

- (1) Bell Provers 5 Years.
- (2) Flow Provers 5 Years.
- (3) Transfer Provers 5 Years.
- (4) Laboratory Quality Indicating Pressure Gauges 6 Months.
- (5) Laboratory Quality Thermometers 6 Months.

103-472. Meter Testing on Request of Customer.

A. Each gas utility shall, at any time when requested in writing by a customer upon reasonable notice, test the accuracy of the meter in use by him.

B. No deposit or payment shall be required from the customer for such meter test except when the customer requests a meter test within one year after date of installation or of the last previous test of this meter, in which case the customer may be required by the gas utility to deposit an amount, to cover the reasonable cost of such test, as approved by the Commission in the gas utility's tariff or service regulation. The amount so deposited with the gas utility shall be refunded or credited to the customer if the meter is found, when tested, to register more than two percent fast or slow; otherwise the deposit shall be retained by the gas utility.

C. A customer may request to be present when the gas utility conducts the test on his meter, or if he desires, may send a representative appointed by him. The gas utility shall honor such request.

D. A report giving the name of the customer requesting the test; the date of the request; the location of the premises where the meter has been installed; the type, make, size and serial number of the meter; the date of removal; the date tested; and the result of the test shall be supplied to such customer within a reasonable time after the completion of the test.

103-473. Commission Inspection and Tests.

The Commission shall make tests of meters as follows:

a. Upon request to the Commission by a customer or gas utility.

b. On receipt of such request the Commission shall notify the gas utility and the gas utility shall not remove or adjust the meter until instructed by the Commission. The gas utility shall furnish to the Commission's representative such reasonable assistance as may be required.

c. The customer shall be notified of the test in sufficient time to allow him or his representative to be present.

d. The Commission shall make a written report of the results of the test to the customer and to the gas utility.

103-474. Facilities and Equipment for Testing.

1. General. Each gas utility shall, unless specifically excused by the Commission, provide such laboratory, meter-testing equipment and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the Commission. The apparatus and equipment so provided shall be subject to the approval of the Commission, and it shall be available at all times for the inspection or use of any member or authorized representative of the Commission.

2. Meter Shop. Each gas utility shall maintain or designate a meter shop for the purpose of inspecting, testing and repairing meters. The shop shall be open for inspection by authorized representatives of the Commission at all reasonable times, and the facilities and equipment, as well as the methods of measurements and testing employed, shall be subject to the approval of the Commission. The area within the meter shop used for the testing of meters shall be designed so that the meters and meter testing equipment are protected from drafts and excessive changes in temperature. The meters to be tested shall be stored in such manner that the temperature of the meters is substantially the same as the temperature of the prover.

3. Working Standards.

A. Each gas utility furnishing metered gas service shall own an approved type of meter prover or designate a meter shop which is equipped with an approved type of meter prover preferably of not less than two cubic feet capacity, equipped with suitable thermometers and other necessary accessories, and it shall maintain such equipment in proper adjustment so that it shall be capable of determining the accuracy of any service meter to within one-half of one percent.

B. Bell provers shall be so placed that they will not be subjected to drafts or excessive temperature variations.

- C. Means shall be provided to maintain the temperature of the liquid in bell provers at substantially the same level as the ambient temperature in the prover room.
- D. Each gas utility having meters which are too large for testing on a 5 cubic foot bell prover shall use a properly calibrated test meter or a properly designed flow prover for testing the large meters.
- E. The accuracy of all provers and methods of operating them will be established from time to time by a representative of the Commission. All alterations, accidents, or repairs which might effect the accuracy of any meter prover or the method of operating it shall be promptly reported in writing to the Commission.
- F. Working standards must be checked periodically by comparison with a secondary standard.
1. Bell provers must be checked with a cubic foot bottle which has been calibrated by the National Bureau of Standards, unless another standard is authorized by the Commission.
 2. Transfer and Flow Provers must be checked with a bell prover of adequate capacity which has been calibrated by representatives of the National Bureau of Standards unless another standard is authorized by the Commission.
- G. Extreme care must be exercised in the use and handling of standards to assure that their accuracy is not disturbed.
- H. Each gas utility must have properly calibrated orifices, as may be necessary, to achieve the rates of flow required to test the meters on its system.
4. Special Meters. Any meter, the readings or record of which is based on the differential pressure in such meter or upon the measurement of any portion of the total gas delivered to a customer, shall be tested for accuracy before being placed in service in a manner satisfactory to the Commission.

103-475. Test Procedures and Accuracies.

1. Pre-Installation Inspection and Tests.
 - a. Every meter and/or associated metering device shall be inspected, tested and sealed in the meter shop of the gas utility before being placed in service.
 - b. New or reconditioned meters which have been sealed at the factory need not be resealed in the shop of the gas utility.
2. Post-Removal Inspection and Tests. All meters and/or associated metering devices shall be tested after they are removed from service. Such tests shall be made before the meters and/or associated metering devices are adjusted, repaired, or retired.
3. Leak Tests. Every meter shall be leak tested prior to installation.
 - a. Each new meter must have been tested by the manufacturer to a minimum of 10 p.s.i.g.
 - b. Meters removed from service to be used for measuring low pressure gas as defined in RUG-705 shall be tested and subjected to an internal pressure of at least 20" W.C. and checked for the presence of leaks by one of the tests listed under subsection 4 below.
 - c. Meters removed from service to be used at pressure other than low pressure shall be tested and subjected to an internal pressure of 1.1 times the specified maximum working pressure of the meter and checked for the presence of leaks by one of the tests listed under subsection 4 below.
- d. Acceptable Leak Tests
 - (1) Immersion Tests.
 - (2) Soap Tests.
 - (3) Pressure drop test of a type acceptable to the Commission.
4. Operating Pressure Limitations.
 - A. A meter may not be used at a pressure that is more than 67 percent of the manufacturer's shell test pressure.
 - B. A rebuilt or repaired tinned steel case meter may not be used at a pressure that is more than 50 percent of the pressure used to test the meter after rebuilding or repairing.
5. Method of Testing. All tests to determine the accuracy of registration of any gas service meter shall be made with a suitable meter prover.

The tests of any unit of metering equipment shall consist of a comparison of its accuracy with the accuracy of a standard. The Commission will use the applicable provisions of the standards listed in 103-461 as criteria of accepted good practice in testing meters.

All meters and/or associated metering devices, when tested, shall be adjusted as closely as possible to the condition of zero error. All tolerances listed below are to be interpreted as maximum permissible variations from the condition of zero error.

a. Diaphragm, Displacement, Rotary, and Turbine Meters

(1) Accuracy at Test Points

FLOW ADJUSTED TO WITHIN

Check Flow (20% of rated meter capacity) 98.5%--100.5%

Full Flow (Equal to or in excess of operating load requirement) 98.5%--100.5%

(2) Actual Accuracy

The accuracy as determined by averaging the results at the check and open rated flow.

(3) Overall Accuracy

The accuracy at a check flow and the accuracy at not less than open rated flow shall agree within one percent.

b. Orifice Meters

Accuracy at test points must be within one-half of one percent (1/2 %) plus or minus.

c. Timing Devices

All recording type meters or associated instruments which have a timing element that serves to record the time at which the measurement occurs must be adjusted as far as practicable so that the timing element is not in error by more than plus or minus five minutes in 24 hours.

SUBARTICLE 7.

STANDARDS AND QUALITY OF SERVICE

103-480. Quality of Service.

A. Each gas utility shall provide the best gas service that can be reasonably expected from the facilities of that gas utility. When the quality of gas service falls below what can be reasonably expected, the gas utility shall, as soon as practicable, provide the proper gas service.

B. All gas supplied to customers shall be substantially free of impurities which may cause corrosion of mains or piping, or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

103-481. Interruption of Service.

A. Each gas utility shall make reasonable efforts to avoid interruptions of service but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with safety of its employees, customers and the general public.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

103-482. Restrictions on Use of Service.

A. The gas utility may impose reasonable restrictions on the use of service during periods of shortage of supply, excessive demand or other difficulty which jeopardizes the supply of service to any group of customers.

B. Restrictions on the use of service made necessary by the shortage of supply shall be made in conformity with the gas utility's curtailment plan approved by the Commission.

C. The gas utility may impose reasonable restrictions on the use of service by customers who create conditions which prevent the gas utility from supplying satisfactory service to that customer, or to other customers.

D. If a gas utility finds that it is necessary to restrict the use of service, it shall notify its customers, and give the Commission written notice, except in emergencies, before such restriction becomes effective. Such notifications shall specify but not be limited to:

1. The reason for the restriction.
2. The nature and extent of the restriction of use by certain classes of customers, etc.
3. The date such restriction is to go into effect.
4. The probable date of termination of such restriction.

103-483. Special Tests.

Before permitting the initial use of gas at any location, a certificate of inspections and tests of the customer-owned piping shall be furnished the gas system by the customer or by the local inspecting authority. All such inspections and tests shall be made in accordance with applicable local codes. In the absence of a local code such inspections and tests shall be in accordance with minimum standards set forth in the latest edition of Southern Standard Gas Code, and the customer or his contractor shall furnish the gas system a certificate of such inspections and tests. The gas system shall advise the customer of this requirement upon initial application for gas service. When gas is turned on by the gas system, the gas system shall take reasonable precaution to prevent potential hazards and, as a minimum precaution, shall make a check for leakage using the gas meter in accordance with a procedure at least equal to that described in the latest edition of the American Standard Installation of Gas Appliances and Gas Piping ASA Z21.30. A visual examination of gas utility owned exposed piping and components thereof, along with soil and vegetation conditions in the general vicinity of buried piping and components shall be conducted as a minimum precaution for the discovery of any existing or potential hazards.

103-484. Low Pressure Requirements.

The maximum allowable operating pressure for a low pressure distribution system shall not exceed a pressure which would cause the unsafe operation of any connected and properly adjusted low pressure gas burning equipment. The gas system shall specify a standard pressure for each district, division or community served, and such pressure shall be reasonably constant within the following limits:

- a. The variation in pressure at the customer's meter in any one 24-hour period shall be not greater than 4" W. C.
- b. The maximum pressure shall be not greater than twice the specified pressure but in no event greater than the pressure indicated in subsection d. below.
- c. The minimum pressure shall be not less than half the specified pressure indicated in subsection d. below.
- d. The absolute minimum pressures at the customer's service meter shall be within the limits established for the type of gas, except for any customer whose equipment requires and is designed for pressures in excess of the maximum pressures listed below, then the pressure shall be so regulated in accordance with practices established in RUG-502.

| MINIMUM STANDARD TYPE OF GAS | MAXIMUM STANDARD DELIVERY PRESSURE SHALL NOT EXCEED | DELIVERY PRESSURE SHALL NOT BE LESS THAN |
|---------------------------------|---|--|
| Natural Gas | 12" W.C. | 3" W.C. |
| L. P. Gas (Undiluted) | 12" W.C. | 9" W.C. |
| L. P. Air Gas | 10" W.C. | 4" W.C. |
| Manufactured & Mixed Gas | 9" W.C. | 3" W.C. |

103-485. System Pressure Monitoring.

A. Each gas system shall maintain on its distribution system in each city in which it supplies gas a sufficient number of recording devices, but not less than one, to insure detections of abnormal system pressures. No gas system shall maintain less than two such recording pressure gauges of which one should be portable.

B. Each gas system shall keep records of each test of pressures in various parts of its distribution systems. The records obtained shall include as a minimum, the date, time, and location where the pressure was taken and shall be retained for a two (2) year period.

SUBARTICLE 8.

SAFETY

103-490. General.

A. Under the authority of S.C. Code Ann. Section 58-5-970 (1976), the Commission hereby adopts the Federal Minimum Safety Standards for the Transportation of Natural and Other Gas, 49 C.F.R. Section 190, Section 191, Section 192, Section 193, and Section 199, as may be amended from time to time, except where otherwise authorized by the Commission.

B. Under the authority of S. C. Code Ann., Section 58-5-980 (1976), the Commission herein establishes additional minimum safety standards, as noted infra. The following list indicates those sections of the Federal Standards and corresponding sections of these Rules and Regulations which effect a modification:

1. 49 C.F.R. Section 192.359. Customer Metering Installations: Operating Pressure. See, 103-475(3) and 103-475(4).

2. 49 C.F.R. Section 192.615. Emergency Plans. See, 103-491, 103-492 and 103-494.

3. 49 C.F.R. Section 192.623. Maximum and Minimum Allowable Operating Pressure: Low-Pressure Distribution Systems. See, 103-484.

4. 49 C.F.R. Section 192.723. Distribution Systems: Leakage Surveys and Procedures. See, 103-493.

5. 49 C.F.R. Section 192.727. Abandonment or Inactivation of Facilities. See, 103-465.

6. 49 C.F.R. Section 192.741. Pressure Limiting and Regulating Stations: Telemetering or Recording Gauges. See, 103-485.

7. 49 C.F.R. Subpart J. Test Requirements. See, 103-483.

Such modifications reflect additional requirements to those established by 49 C.F.R. Section 192, and are not to be construed as deleting the existing Federal requirement.

C. Under the authority of S. C. Code Ann., Section 58-5-960 (1976), the safety standards adopted by the Commission apply to all gas systems within the State, including municipalities, gas authorities, public service districts and other political subdivisions of this State not subject to economic regulation by the Commission.

D. As criteria of accepted good safety practice, in addition to those of 49 C.F.R. Section 192 (1973), the Commission will use the applicable provisions of the standards listed in 103-461.

103-491. Protective Measures.

A. Each gas system shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

B. The gas system shall give reasonable assistance to the Commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

C. Each gas system shall maintain a summary of all reportable accidents arising from its operations.

103-492. Safety Program.

Each gas system shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

- b. Instruct employees in safe methods of performing their work.
- c. Instruct employees, who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.
- d. Establish liaison with appropriate public officials including fire and police officials in anticipation of a potential emergency.
- e. Establish an educational program to enable customers and the general public to recognize and report a gas emergency to the appropriate officials.

103-493. Leakage.

1. General. Any notice to the gas system of a leak or odor or notification of damage to gas facilities by contractors or other outside sources shall constitute the need for immediate action by the gas system.

2. Classification. Each gas system shall establish procedures for classifying and repairing leaks meeting the requirements of this section:

Grade 1--Grade 1 means a leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

Grade 2--Grade 2 means a leak that is recognized as being nonhazardous at the time of detection but requires scheduled repair based on probable future hazard.

Grade 3--Grade 3 means a leak that is nonhazardous at the time of detection and can be reasonably expected to remain nonhazardous.

3. Leakage Surveys.

All buried piping not protected against corrosion in accordance with 49 C.F.R. Section 192, Subpart I, must be subjected to instrument leakage surveys as frequently as necessary, but at intervals not exceeding twelve (12) months.

4. Vegetation Leakage Surveys.

Vegetation type leak surveys are prohibited.

103-494. Interruptions in Service.

A. Each gas system shall adopt and file with the Commission, for approval, procedures to protect customers during periods when operating conditions require interruptions in service due to scheduled or unscheduled curtailments, line breakage, equipment malfunctions, and force majeure conditions.

B. Such procedures shall insure that adequate safety precautions are taken to prevent hazards to which gas system employees, gas system customers and the general public may be subjected.

ARTICLE 5.

SEWERAGE UTILITIES

SUBARTICLE 1.

GENERAL

103-500. Authorization of Rules.

A. Section 58-5-210 of the Code of laws of South Carolina, 1976, provides: "That the Public Service Commission, is hereby, to the extent granted, vested with power and jurisdiction to supervise and regulate the rates and service of every public utility in this State, together with the power, after hearing, to ascertain and fix such just and reasonable standards, classifications, regulations, practices, and measurements of service to be furnished, imposed, observed and followed by every public utility in this State, and the State hereby asserts its rights to regulate the rates and services of every public utility as herein defined." In accordance with the above provisions the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern sewer service by public utilities. All previous rules or standards are hereby revoked, annulled, and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint, upon the application of any utility, or upon its own motion. Furthermore, these rules shall not relieve either the Commission or the Utilities of any duties prescribed under the laws of this State.

103-501. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, or association, establishment, corporation (except public utilities owned or operated by any municipality or agency thereof and/or any sewer authority specifically exempted by statute) which is now or may hereafter become engaged as a public utility in the business of collecting or treating sewerage for any sewerage customer within the State of South Carolina.

2. Purpose. These rules are intended to define good practice. They are intended to insure adequate and reasonable service. The Utilities shall assist the Commission in the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

103-502. Definitions. The following words and terms, when used in these rules and regulations, shall have the meaning indicated below:

103-502.1. Commission.

The Public Service Commission of South Carolina.

103-502.2. Utility.

Every person, firm, partnership, association, establishment or corporation furnishing or supplying in any manner sewerage collection and/or sewerage disposal service to the public or any portion thereof, for compensation. A "homeowners association", as defined in 3 of this rule and subject to the requirements set forth herein, upon Commission order, may be found not to be a utility.

103-502.3. Homeowners Association.

An association of lot owners located in a particular subdivision or development incorporated under the laws of this State as a non-profit corporation, including as one of its purposes, the operation of a sewerage system to serve the particular subdivision or development. Each homeowners association, prior to the commencement of operations of a sewerage system, shall file with the Commission (a) a certified copy of its certificate of incorporation; (b) a copy of the corporation's bylaws; (c) a copy of any declaration of covenants, conditions and restrictions on real property in the subdivision or development filed in conjunction with the formation of the homeowners association; (d) a copy of the permit or authorization from the Department of Health and Environmental Control issued to the homeowners association to operate the system, and (e) copies of a statement signed by each lot owner disclosing that the sewerage services in the subdivision are provided by a non-profit homeowners association, in which each lot owner is a voting member, and that an appropriate assessment to meet operating expenses of the Utility must be paid by each lot owner.

103-502.4. Customer.

Any person, firm, partnership, or corporation, or any agency of the Federal, State, or Local Government, being supplied with service by a utility under the jurisdiction of this Commission. Customers shall be classified for purposes of applying rates as "residential", "commercial", or "industrial".

103-502.5. Premises.

A piece or tract of land or real estate, including buildings and other appurtenances thereon.

103-502.6. Main.

A sewerage pipe owned, operated, or maintained by a utility, which is used to transport sewerage, but does not include the “utility service line”, or “customer service line”.

103-502.7. Utility Service Line.

The portion of pipe which runs from the customer’s premises to the main, and which receives sewerage from the “customer service line”.

103-502.8. Customer Service Line.

The portion of pipe on the customer’s premises which transports sewerage from the customer’s premises to the “utility service line”.

103-502.9. Sewerage Plant.

Plant and property owned by a utility, used in its business operations of providing sewerage collection and/or sewerage disposal service to its customers.

103-502.10. Rate.

The term “rate”, when used in these rules and regulations, means and includes every compensation, charge, toll, rental, classification, or availability fee, or any of them, including tap fee, or other non-recurring charges demanded, observed, charged, or collected by any utility for any service offered by it to the public, and any rules, regulations, practices, or contracts affecting any such compensation, charge, toll, rental, classification, or availability fee. An application for approval of any rate schedule will not be accepted for filing under S.C. Code Ann., Section 58-5-240 unless accompanied by the information specified under 103-512(4).

103-502.11. Tap Fee.

A non-recurring, non-refundable charge related to connecting the customer to the utility’s system which includes the cost of installing the utility’s service line from the main to the customer’s premises and a portion of plant capacity which will be used to provide service to the new customer. Plant capacity shall be computed by using the Guide Lines for Unit Contributory Loadings to Wastewater Treatment Facilities (1972) to determine the single family equivalency rating. Any privately-owned corporation, firm, partnership, or individual empowered by contract, or otherwise, to collect a tap fee from a customer for the provision of sewerage service to that customer shall be considered a utility, and shall obtain Commission approval prior to collecting tap fees, or any other rates for sewerage service. An application for approval of any rate change shall not be considered unless the filing contains appropriate exhibits setting forth all cost criteria justifying the tap fee, setting forth the portion of the tap fee related to installing the service line and the portion related to plant capacity.

103-502.12. Customer Main Extension Fee.

A fee paid by a customer under a contract entered into by and between the utility and its customer providing terms for the extension of the utility’s mains to service the customer.

103-503. Authorization for Rates and Charges.

A. No schedule of rates, contracts, or rules and regulations, shall be changed until after the proposed change has been approved by the Commission.

B. All rates, contract forms, and rules and regulations, proposed to be put into effect by any utility as defined in 103-502(2) shall be first approved by this Commission before they shall become effective, unless they are exempt from such approval by statute or other provision of law.

C. No rate, contract, or rule and regulation of any utility under the jurisdiction of this Commission shall be deemed approved or consented to by the mere filing of a schedule, or other evidence thereof, in the offices of the Commission.

D. Each customer within a given classification (i.e., residential, commercial, or industrial) shall be charged the same approved rate, including tap fees, as every other customer within that classification, unless reasonable justification is shown for the use of a different rate, and a contract or tariff setting for the different rate has been filed and approved by the Commission through the issuance of an order or directive.

103-504. Territory and Certificates. No existing public utility supplying sewerage disposal to the public, or any individual, corporation, partnership, association, establishment, or firm undertaking the construction or acquisition of a utility, shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or of any extension thereof, by the sale of stock or otherwise, without first obtaining from the commission a certificate that the sale, transfer, or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension. Such certificate shall be granted only after the applicable information set forth in Subarticle 2, 103-510 et seq., has been filed, and after notice has been given to the Department of Health and Environmental Control and to other interested sewerage utilities, and to the public, and after due hearing. Provided, however, that this regulation shall not be construed to require any existing utility to secure a certificate for an extension within or to territory already served by it, necessary in the ordinary course of its business. But, if any utility in constructing or extending its lines, plant or system unreasonably interferes, or is about to unreasonably interfere, with the service or system of any other utility, the commission may make such order, and prescribe such terms and conditions, in harmony with this regulation, as are just and reasonable.

103-505. Utility Rules and Regulations.

Each utility shall adopt rules, regulations, operation procedure policies, terms and conditions, etc., as may be necessary in the operation of the Utility. Such service conditions and/or regulations shall be approved by and filed with the Commission.

103-506. Security Issues.

A. No utility shall issue any securities without the approval of the Commission. This rule shall not apply to any issue of securities payable within one year from the date of issue, except in case of subsequent issues made to refund such short-term obligations; but such short-term obligations may be renewed by similar obligations without the approval of the Commission for an aggregate period not exceeding two years.

B. Any utility desiring to issue any securities may apply to the Commission for approval of the proposed issue by filing an application together with a statement verified by (1) its president and secretary or other appropriate officers; (2) two of its incorporators; or (3) by its owner or owners, if it is unincorporated, setting forth:

- (a) The amount and character of securities proposed to be issued;
- (b) The purpose for which they are to be issued;
- (c) The consideration for which they are to be issued;
- (d) The description and estimated value of the property, if any, to be acquired through the proposed issue;
- (e) The terms and conditions of the issuance; and
- (f) The financial condition of the utility and its operations so far as relevant.

C. The Commission shall determine whether the purpose of the issue is proper; shall value the property or services, if any, to be acquired by the issue; shall find and determine the amount of such securities reasonably necessary for the purpose for which they are to be issued. This determination shall follow such investigation as may be necessary, wherein the utility and any other interested party shall be entitled to be heard.

D. To the extent that the Commission may approve the proposed issue, it shall grant to the utility a Certificate of Authority stating the character of the securities, the amount reasonably necessary for the purpose for which they are to be issued, and the value of any property or services, if any, to be acquired. This certification shall not impose or imply any guaranty or obligation as to such securities on the part of the Commission.

SUBARTICLE 2.

RECORDS AND REPORTS

103-510. Location of Records and Reports.

All records required by these rules are necessary for the administration thereof, shall be kept within an office located in this State, unless otherwise specifically authorized by the Commission. These records shall be available for examination by the Commission or its authorized representatives at all reasonable hours.

103-511. Retention of Records.

Unless otherwise specified by the Commission, or by regulations or Commission Orders governing specific activities, all records required by these rules shall be preserved for two years.

103-512. Data to be Filed with the Commission. 103-512.1. Annual Report.

Each utility operating in the State shall file an annual report with the Commission giving accounting and other information as the Commission orders. The Commission will provide an annual report form upon request. If the utility's books are maintained on a calendar year, the annual report must be filed on or before April 1st of each year. If the utility uses a fiscal year other than December 31st, the annual report should be filed within three months after the end of the fiscal year.

103-512.2. Current Information and Documents.

The utility shall file with the Commission the following documents and information, and shall maintain such documents and information in a current status.

103-512.2.1. Tariff.

A copy of each schedule of rates and charges for service, together with the applicable riders, including any rules and regulations, or terms and conditions describing policies and practices of rendering service.

103-512.2.2. Special Contract Forms.

A copy of each special contract for service, including aid to construction agreements, and rate agreements.

103-512.2.3. Customer Bill.

A copy of each type of customer bill form, which shall include the information which is normally shown on a customer's bill for service.

103-512.2.4. Operating Area Maps. A map of the utility's operating area.

This map shall be revised annually unless such revision is unnecessary, in which event the utility shall notify the Commission that the map on file is current. The map should show:

- (a) Location of transmission lines, pumping stations, waste treatment plants and discharge points;
- (b) Mains by size;
- (c) Service area clearly drawn on operating area map using proper surveying standards;
- (d) Names of all communities (post offices) served; and
- (e) Capacity of the system.

103-512.2.5. Authorized Utility Representative.

The utility shall advise the Commission of the name, title, address, and telephone number of the person who should be contacted in connection with:

- (a) General management duties;
- (b) Customer relations (complaints);
- (c) Engineering operations; and
- (d) Emergencies during non-office hours.

103-512.3. Performance Bond.

Prior to operating, maintaining, acquiring, expanding or improving any utility system, for which Commission approval is required, the utility shall have on file with the Commission a performance bond with sufficient surety using a format prescribed by the Commission.

103-512.3.1. Amount of Bond.

The amount of bond shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other Than Income Taxes, Income Taxes, and Debt Service including Interest Expenses. The minimum amount of the bond shall be \$100,000 and the maximum amount of the bond shall be \$350,000. A bond shall be required for each water and wastewater provider under the jurisdiction of the Public Service Commission. A certification that the face amount of the bond on file with the Commission complies with the provisions of 103-512.3.1 of this rule shall be filed with the annual report required by 103-512.1 of this rule. The Staff shall review the annual reports and certifications and determine whether the present bond of the utility accurately reflects the expenses of the utility. Based upon the expenses of the utility as submitted in the annual report and as reviewed and adjusted by Staff, the Staff shall make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits as prescribed by statute.

103-512.3.2. Sureties.

Sufficient surety may be any duly licensed bonding or insurance company authorized to do business in this State. A corporate surety, other than such a bonding or insurance company, shall not be considered sufficient surety. Sufficient surety may be any individual, as stockholder, partner, sole owner, etc., in the utility, so long as the individual surety's net worth is at least twice the face amount of the performance bond.

103-512.3.3. Financial Statement.

When any individual acts as surety, he shall file with the Commission annually a financial statement verified by said surety showing the individual surety's personal assets, liabilities, and net worth. The Commission may accept a verification of the financial statement in a format prescribed by the Commission.

103-512.4. Rate Applications.

A. When a utility makes application for an increase in existing rates and charges, such application shall not be accepted for filing unless it contains the following information:

- 1) A statement of reason justifying the need for the proposed rate adjustments;
- 2) Current income and expense statement for the preceding twelve months;
- 3) Proposed rate schedule;
- 4) Test year proposed to be used;
- 5) Pro-forma income and expense statement using proposed rates applied to proposed test year;
- 6) Balance sheet;
- 7) Depreciation schedule by categories of plant or average service lives;

- 8) Number of present and expected customers in the following twelve months;
- 9) Cost justifications for proposed rates and charges, including tap fees, with attached schedules depicting labor costs, materials costs, and miscellaneous costs;
- 10) Filing or updating of performance bond in accordance with 3 of this rule;
- 11) Current or updated service area map;
- 12) Statement of total plant investment;
- 13) Most recent letter of approval from the Department of Health and Environmental Control;
- 14) Customer bill form; and
- 15) Any other pertinent or relevant information determined necessary by the Commission.

B. When any utility makes application for establishment of a service area and rates and charges, such application shall contain the following information:

- 1) Copy of articles of incorporation or partnership agreement;
- 2) Plat of proposed area to be served;
- 3) Copy of engineering plans and specification designed or certified to be in accord with good engineering practices by a professional engineer registered in South Carolina;
- 4) Construction permit from the South Carolina Department of Health and Environmental Control approving the engineering plans and specifications;
- 5) Schedule of proposed rates and charges and cost justifications including tap fees with attached schedules depicting labor costs, materials costs, and miscellaneous costs;
- 6) Number of customers proposed to be served and the capacity of the system;
- 7) Financial statement showing proposed plant investment by categories;
- 8) Depreciation schedule by categories of plant or average service lines;
- 9) Pro-forma income and expense statement showing the effect of using the proposed rates based on plant capacity;
- 10) Filing of performance bond in accordance with 3 of this rule;
- 11) Statement by a professional engineer that the system was built and installed according to plans and specifications on file with the Commission and will furnish adequate service for the area to be served;
- 12) Letter from the South Carolina Department of Health and Environmental Control approving the system for operation;
- 13) Customer bill form; and
- 14) Any other pertinent or relevant information determined necessary by the Commission.

103-513. Inspection of Plant and Equipment.

A. Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition of the waste treatment facility and the adequacy of the treatment provided by the facility as determined by the Department of Health and Environmental Control and any other information concerning the plant, equipment, facilities and service in such a form as the Commission may require.

B. Each utility shall keep sufficient records to give evidence of compliance with its inspection program as set forth in Subarticle 6, 103-560 et seq.

103-514. Interruption of Service/Violation of Rules.

A. Each utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division thereof, or any single community or an important division of a community, including a statement of the time, duration, and cause of any such interruption. The Commission should be notified of any interruption lasting more than six hours as soon as it comes to the attention of the utility and a complete report made after restoration of service.

B. Each utility shall make all reasonable efforts to prevent interruptions of service and, when such interruptions occur, shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Scheduled interruptions shall always be preceded by adequate notice to all affected customers.

C. All Wastewater Utilities under the jurisdiction of the Commission shall file with the Commission in writing a notice of any violation of PSC or DHEC rules which affect the service provided to its customers. This notice shall be filed within 24 hours of the time of the inception of the violation and shall detail the steps to be taken to correct the violation, if violation is not corrected at time of occurrence. The Company shall notify the Commission in writing within 14 days after the violation has been corrected.

103-515. Accidents.

Each utility shall, as soon as possible, report by telephone to the Commission each accident happening in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or seriously injured or whereby any serious property damage shall have been caused. Such first report shall later be supplemented by a full statement of the cause and details of the accident and the precautions, if any, which have been taken to prevent similar accidents.

103-516. Complaints.

Complaints by customers concerning the charges, practices, facilities or services of the utility shall be investigated promptly and thoroughly. Each utility shall keep a record of all such complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

103-517. Accounting Procedures.

All books and records of the utility shall be maintained in accordance with the NARUC System of Accounts for Class A, B and C Sewerage Utilities to the extent applicable. Such records must be made available for examination by the Commission or its authorized representatives at all reasonable hours. Full cooperation will be provided by the utility during rate adjustment audits or compliance audits conducted by the Commission or its representatives.

SUBARTICLE 3.

METERS

103-520. Change in Character of Service.

In order that the utility may provide a proper service facility, the customer shall advise the utility of expected service requirements sufficiently in advance of the time service is required and shall also advise the utility of any significant increase or decrease in service needs sufficiently in advance of the time to change service facilities.

SUBARTICLE 4.

CUSTOMER RELATIONS

103-530. Customer Information.

Each utility shall:

A. Maintain up-to-date maps, plans, or records of its entire force main collection systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.

B. Notify each affected customer in writing as prescribed by the Commission of any proposed change in rates and charges. A certification that the above notice requirements has been met shall be furnished the Commission by the utility prior to the public hearing.

C. Provide that a complete schedule, contract forms, rules and regulations, etc., as filed with the Commission, shall also be on file in the local offices of the utility and shall be open to the inspection by the public.

- D. Assist prospective customers in selecting the most economical rate schedule applicable.
- E. Provide adequate means (telephone, etc.) whereby each customer can contact an authorized representative of the utility at all hours in cases of emergency or unscheduled interruptions of service.
- F. Notify any customer making a complaint recorded pursuant to R.103-516 that the utility is under the jurisdiction of the Commission and that the customer may notify the Commission of his complaint.
- G. Inform each prospective customer from whom a deposit may be required of the provisions contained in R.103-531 and its subsections.
- H. Inform each prospective customer that the customer's service line and plumbing shall conform to all local plumbing codes, and in the absence of such codes shall conform to the Southern Standard Plumbing Code.

103-531. Customer Deposits.

Each utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

- (a) The customer's past payment record to a sewerage utility shows delinquent payment practice, i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears in the past 24 months, or
- (b) A new customer cannot furnish either a letter of good credit from a reliable source or an acceptable cosignor to guarantee payment, or
- (c) A customer has no deposit and presently is delinquent in payments (i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months), or
- (d) A customer has had his service terminated for nonpayment.

103-531.1. Amount of Deposit.

A. A maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months based on the experience of the preceding twelve (12) months or portion of the year, if on a seasonal basis.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and payment habits of the customer.

103-531.2. Interest on Deposits.

A. Simple interest on deposits at the rate as determined by Commission Order shall be paid by the utility to each customer required to make such deposit for the time it is held by the utility, provided that no interest need be paid unless the deposit is held longer than six months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-531.3. Deposit Records.

Each utility shall keep a record to show:

- (a) The name and address of each depositor;
- (b) The amount and date of the deposit; and
- (c) Each transaction concerning the deposits.

103-531.4. Deposit Receipt.

Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish his claim if his receipt is lost.

103-531.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrearages or more than two non-consecutive 30-day arrearages in the past 24 months.

103-531.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years during which time the sewer utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the South Carolina Tax Commission as prescribed by law.

103-531.7. Deposit Credit

Where a customer has been required to make a deposit, this shall not relieve the customer of the obligation to pay the service bills when due. Where such deposit has been made and service has been discontinued for reason of nonpayment of bill, a utility shall apply the deposit of such customer toward the discharge of the customer's account, and shall as soon thereafter as practicable, refund the customer any excess of the deposit. If, however, the customer whose service has been disconnected for nonpayment, pays the arrears on his account within 72 hours after service has been disconnected, and applies for reconnection, the utility may not charge an additional deposit except under the provisions of R.103-531.1.

103-532. Customer Billing.

The utility shall bill each customer as promptly as possible.

103-532.1. Customer Bill Forms

The bill shall show:

- (a) The gross and/or net amount of the bill;
- (b) Person to whom bill is sent;
- (c) Dates for which bill is rendered;
- (d) The applicable rate schedule, or identification of the rate schedule. If the actual rates are not shown, the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request;
- (e) Telephone number where utility can be contacted during regular office hours and non-office hours; and
- (f) Date payment is due.

103-532.2. Late Payment Charges.

A maximum of one and one-half percent (1 and 1/2 %) be added to any unpaid balance not paid within 25 days of the billing date to cover the cost of collection and carrying accounts in arrears. This method of late-payment charge will be made in lieu of any other penalty.

103-532.3. Payment by Check.

The utility at its option for good cause may refuse to accept a check tendered as payment on a customer's account and require payment in cash.

103-532.4. Charges for Disconnection and Reconnection.

Whenever service is disconnected for violation of rules and regulations, nonpayment of bills or fraudulent use of service, the utility shall not be required to reconnect such service until any arrearages have been paid and a reconnection fee of two-hundred-fifty dollars (\$250.00) has been paid to the utility.

103-532.5. Deferred Payment Plan.

The utility shall provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for service. The deferred payment plan shall require the affected customer to maintain his account current and pay not less

than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R.103-532.5. Service to such customer shall not be terminated unless the utility has informed the customer that such deferred payment plan is available. A deferred payment plan is any agreement to extend or defer a payment cut-off date by more than 5 work days. If a customer fails to conform to the terms and conditions of such deferred payment plan, the utility may terminate service upon fifteen days written notice, with copies of such termination notice mailed to DHEC and the Commission.

103-533. Adjustment of Bills.

If it is found that a utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such utility than that prescribed in the schedules of such utility applicable thereto, then filed in the manner provided in Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from a utility for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be provided by the following:

1. Customer Inadvertently Overcharged. If the utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the utility shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

(a) If the interval during which the customer was overcharged can be determined, then the utility shall credit or refund the excess amount charged during the entire interval provided that the applicable statute of limitations shall not be exceeded.

(b) If the interval during which the customer was overcharged cannot be determined, then the utility shall credit or refund the excess amount charged during the twelve-month period preceding the date when the billing error was discovered.

2. Customer Inadvertently Undercharged. If the utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error, then the utility may recover the deficient amount as provided as follows:

(a) If the interval during which a customer was undercharged can be determined, then the utility may collect the deficient amount incurred during that interval up to a maximum period of six months.

(b) If the interval during which a consumer was undercharged cannot be determined, then the utility may collect the deficient amount incurred during the six-month period preceding the date when the billing error was discovered by the utility.

(c) The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

3. Customer Willfully Overcharged. If the utility has willfully overcharged any customer, the utility shall refund the difference, plus interest, as prescribed by the Commission for the period of time that can be determined that the customer was overcharged.

4. Customer Undercharged Because of Fraud or Willful Misrepresentation. If the utility has undercharged any customer because of the customer's fraudulent actions or because the customer has willfully misrepresented a material fact resulting in an undercharge, or if it is shown that the customer is aware of any fraudulent or illegal action by another person such as tampering with the facilities owned by the utility and it is evident that such action benefits the customer, or if it is evident that a customer has knowledge of being undercharged without notifying the utility of such, then the utility may recover the deficient amount provided as follows:

(a) If the interval during which the customer was undercharged can be determined, then the utility shall collect the deficient amount incurred during that entire interval provided that the applicable statute of limitations is not exceeded.

(b) If the interval during which the customer was undercharged cannot be determined, then the utility shall collect the deficient amount incurred during the twelve-month period preceding the date when the billing error was discovered by the utility.

103-534. Application for Service.

- A. All applications for sewerage service may be made orally or in writing.
- B. The accepted application shall constitute a contract between the company and the applicant, obligating the applicant to pay for sewerage service in accordance with the utility's tariff currently on file with the Public Service Commission, and to comply with rules and regulations.
- C. When a customer desires to have his service terminated, he must notify the utility and such notification may be orally or in writing. The utility shall be allowed a reasonable period of time after the receipt of such notice to terminate service.

103-535. Denial or Discontinuance of Service.

Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

- A. Without notice in the event of a condition determined by the utility, the Commission, and the South Carolina Department of Health and Environmental Control to be hazardous or dangerous.
- B. In the event of customer use of equipment in such a manner as to affect adversely the utility's service to others.
- C. In the event of unauthorized use of the utility's service.
- D. For customer tampering with equipment furnished and owned by the utility. The customer shall make every reasonable effort to prevent tampering and shall notify the utility immediately of any tampering with damage to, or removal of any equipment.
- E. For violation of and/or non-compliance with these rules and regulations.
- F. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- G. For failure of the customer to permit the utility reasonable access to its equipment.
- H. For non-payment of any amounts due for connection charges and/or for service rendered provided that the utility has made a reasonable attempt to effect collection and has given the customer the proper notice as required by R.103-535.1.
- I. For molesting or tampering with any service or sewerage pipe, or for illegally making connection into any sewerage line for the disposal of drainage surface waters.
- J. For failure of the customer to provide the utility with a deposit as authorized by R.103-531.
- K. For failure of the customer to furnish permits, certificates, and/or rights of way, as necessary to obtaining service, or in the event such permissions are withdrawn or terminated.
- L. No sewer utility shall be required to furnish its sewerage service or to continue its service to any applicant who, at the time of such application, is indebted or any member of his household is indebted, under an undisputed bill to such sewer utility company for sewerage service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the sewer utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.
- M. The utility may discontinue a customer's service should that customer be in arrears on an account for service at another premises unless the customer pays a reasonable amount of his arrears account and makes reasonable arrangement with the utility to amortize the balance of such past due or arrears account over a reasonable length of time, not to exceed twelve months.
- N. For the reason that the customer's use of the utility's service conflicts with, or violates, orders, ordinances or laws, of the State or any subdivision thereof, or of the Commission.
- 1. Notice Prior to Discontinuance of Service. Before any sewerage service may be discontinued, the utility must give thirty (30) days written notice to the customer, unless A of this rule is applicable, with

copies forwarded to the appropriate county health department and the South Carolina Public Service Commission, all by certified mail. At the expiration of the thirty (30) day period, the utility shall post a second notice by certified mail to the customer advising that following ten days thereafter, his service may be discontinued at any time without further notice. After the physical discontinuance of any sewerage service, the Division of Sanitary Engineering of the South Carolina Department of Health and Environmental Control shall immediately be notified of the action and the name and address of the customer.

O. In the case of a landlord/tenant relationship where the tenant is the customer, the utility may require the landlord to execute an agreement wherein such landlord agrees to be responsible for all charges billed to that premises in accordance with the approved tariffs for that utility and the Rules of the Commission, and said account shall be considered the landlord's and tenant's account. In the event the landlord refuses to execute such an agreement, the utility may not discontinue service to the premises unless and until the tenant becomes delinquent on his account or until the premises are vacated. The utility may discontinue service pursuant to R.103-535.1 if the account is delinquent or may discontinue service at the time the premises are vacated and the utility shall not be required to furnish service to the premises until the landlord has executed the agreement, and paid any reconnection charges.

P. No utility shall be required to furnish, or continue to furnish its sewerage service to any premises to which the utility has not inspected the service connection, provided however, if the utility has waived its right to inspect the service connection, it may not refuse to furnish nor refuse to continue service to the premises.

Q. For nonpayment of any connection charge properly imposed by the utility and owed by the customer provided that the utility has made a reasonable attempt to effect collection and has given the customer 30 days written notice, sent by certified mail to the customer's billing address, with a copy forwarded to the Commission. A connection charge owed by a third party or a previous occupant or owner of premises is not deemed to be owed by the current customer, and that current customer's service may not be disconnected under such circumstances. At the expiration of the 30 day period, the utility shall post a second notice by certified mail to the customer advising that in not less than 10 days nor more than 30 days, his service may be discontinued at any time without further notice.

103-535.1. Notice Prior to Discontinuance of Service.

Before any sewerage service may be discontinued, the utility must give thirty (30) days written notice to the customer, by certified mail, unless R.103-535.A is applicable, with copies forwarded to the appropriate county health department and the South Carolina Public Service Commission. At the expiration of the thirty (30) day period, the utility shall post a second notice by certified mail to the customer advising that in not less than 10 days nor more than 30 days, his service may be discontinued at any time without further notice. After the physical discontinuance of any sewerage service, the Division of Sanitary Engineering of the South Carolina Department of Health and Environmental Control shall immediately be notified of the action and the name and address of the customer. Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M., unless provisions have been made to have someone available to accept payment and reconnect service.

103-536. Insufficient Reasons for Denying Service.

The following shall not constitute sufficient cause for refusal of service to a present or prospective customer.

- A. Non-payment for service by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service.
- B. Failure to pay for merchandise purchased from the utility.
- C. Failure to pay for a different type or class of public utility service.
- D. Failure to pay the bill of another customer as guarantor thereof.

103-537. Right of Access.

A. The authorized agents of the utility shall have the right of access to the customer's premises, at reasonable hours, for the purpose of inspecting the customer's sewerage connections and for any other purpose which is proper and necessary in the conduct of the utility's business.

B. When a sewerage line which is property of a utility is on the property of a resident in the utility's service area which is on file with the Commission, the resident shall provide reasonable access to the utility for maintenance thereof. Any damage done to the property by the utility shall be corrected by the restoration of comparable grass, shrubbery, and trees from nursery stock to conform with the condition before the maintenance process began.

103-538. Customer Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep such records of customer complaints as will enable it and the Commission to review and analyze the utility's procedures and actions. All customer complaints will be processed pursuant to R.103-516 and R.103-530.F.

B. When the Commission has notified the utility that a complaint has been received concerning a specific account and such complaint has been received by the Commission before service is terminated, the utility shall not discontinue the service of that account until the Commission's investigation is completed and the results have been received by the utility.

103-539. Tariff's Rules and Regulations.

A copy of the utility's tariffs as filed with this Commission will be on file in the local business offices of the utility and shall be available for public inspection.

103-540. System Which Utility Must Maintain.

Each utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper conditions of all of its facilities and equipment used in connection with the services it provides to any customer up to and including the point of delivery from systems or facilities owned by the customer.

103-541. Contracts. No utility shall execute or enter into any agreement or contract with any person, firm, partnership, or corporation or any agency of the Federal, State or local government which would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide sewer service, including but not limited to the collection or treatment of said sewerage, without first submitting said contract in form to the Commission and obtaining approval of the Commission.

SUBARTICLE 5.

ENGINEERING

103-550. Good Engineering Practice.

The sewerage plant of the utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

103-551. Design and Construction Requirements

The design and construction of the sewerage plant shall conform to the requirements of the Bureau of Wastewater and Stream Quality Control of the South Carolina Department of Health and Environmental Control.

103-552. Minimum Pipe Size.

The mains shall be at least eight (8) inches inside diameter and the utility's service pipes shall be at least four (4) inches inside diameter.

103-553. Adequacy of Sewerage Plant.

The capacity of the utility's plant for the collection, transmission, treatment and disposal of sewage, sewage effluent and other removed substances must be sufficiently large to meet all normal demands for service and provide a reasonable reserve for emergencies.

The utility shall furnish the Commission with the following:

- 1) Statement by the South Carolina Department of Health and Environmental Control that the design has been approved;
- 2) Statement by the South Carolina Department of Health and Environmental Control that the utility was installed according to plans and specifications;
- 3) Statement by a professional engineer that the utility design meets his approval and the utility was installed with the approval of a professional engineer; and
- 4) Copy of "as built" plans and specifications approved by a professional engineer.

103-554. Inspection of Sewerage Plant.

Each utility must adopt a program of regular inspection of its sewerage plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the utility's experience and accepted good practice. Each utility shall keep sufficient records to substantiate compliance with its inspection program.

103-555. Service Pipe Connections.

A. Utility's Service Pipe--The utility shall install and maintain that portion of the service pipe from the main to the boundary line of the property being served, public road, or street under which such main may be located. The connection of the service pipe to the main must be made using appropriate wyes, saddles, or other acceptable fittings.

B. Customer's Service Pipe--The customer shall install and maintain that portion of the service pipe from the end of the utility's service pipe into the premises served. The portion of the service pipe installed and maintained by the customer shall conform to all reasonable rules and regulations of the utility. It must be constructed of approved materials and must be installed and maintained in accordance with accepted good practice and in conformance with applicable codes of governmental regulations. Each customer's service pipe shall serve no more than one customer.

C. Restrictions on Installation--A sewer service pipe shall not be laid in the same trench with water pipe unless the water service pipe is laid on a shelf on the side of the trench, not less than twelve (12) inches above and not less than eighteen (18) inches horizontally away from the sewer pipe.

D. Inspection--If a governmental agency requires an inspection of the customer's plumbing, the utility shall not connect the customer's service pipe until it receives a notice from that governmental agency certifying that the customer's plumbing conforms to those standards set by the agency.

E. Service Pipe Connection--The utility shall be responsible for providing the location for the connection of the customer's service pipe to the utility's service pipe or the utility's main, whichever is applicable, at the utility's expense, and at no expense to the customer. The utility shall have the right to inspect the service connection to the utility service line at the time of the completion of connection, and the service may not be provided to such connection until the utility inspects the service line.

103-556. Engineering Analysis.

A. The Commission may survey anticipated extensions of sewer lines and the utility will assist in such survey and provide all pertinent data necessary to determine the cost and feasibility of extending such lines.

B. The utility shall provide the Commission access to all utility property when the Commission undertakes to verify the inventories of utility plant systems, or obtain other necessary information.

SUBARTICLE 6.

INSPECTION AND TESTS

103-560. Utility Inspection and Test.

A. Each utility shall adopt a program of periodic tests, inspections, and preventive maintenance designed to achieve and maintain efficient operation of its system and the rendition of safe, adequate and continuous service.

B. Each utility shall maintain or have access to test facilities enabling it to determine the operation and collecting capabilities of all equipment and facilities provided by the utility. These test facilities shall be sufficient for routine maintenance and for trouble location. The actual collection performance of each sewerage system shall be monitored regularly in order to determine if the established objectives and operating requirements are met.

103-561. Commission Inspection and Test.

When tests are conducted by the Commission, to insure that, or determine if, the provisions of these rules are being adhered to, each utility shall assist with such tests as requested, provided such request is in accordance with all legal requirements and sanctions.

103-562. Testing Facilities.

Each utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided or as may be approved or ordered by the Commission.

103-563. Trouble Reports.

A. Each utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. Each utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected the time, the date, and nature of the report, the action taken to alleviate the trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition of the complaint. This record shall be available to the Commission upon request at any time within the period prescribed for retention of such records.

B. Provisions shall be made to clear trouble of any emergency nature at all times, consistent with the needs of customers and the personal safety of utility personnel.

C. Provisions shall be made to keep all commitments to customers. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

103-564. Maintenance of Plant and Equipment.

A. Each sewerage utility shall adopt and pursue a maintenance program aimed at achieving and maintaining efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

B. Maintenance shall include keeping all plant and equipment in a good state of repair, consistent with safety and adequate performance factors.

1) Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.

2) Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory operating condition.

SUBARTICLE 7.

STANDARDS AND QUALITY OF SERVICE

103-570. Quality of Service.

A. Each utility shall provide sewerage service insofar as practicable free from objectionable odors. Each utility must have a permit as required by the health laws of the State of South Carolina, and shall comply with all laws and regulations of State and local agencies pertaining to sewerage service.

B. It shall be the obligation of each utility dependent upon its ability to procure and retain suitable facilities and rights for the construction and maintenance of the necessary system to furnish adequate sewerage service to customers in the area or territory in which it operates. Such service is to be rendered according to lawfully established and approved rates and charges for the specific territory involved.

103-571. Interruptions of Service.

A. Each utility shall make reasonable efforts to avoid interruptions of service, but when such interruptions occur, service shall be re-established within the shortest time practicable, consistent with considerations of safety.

B. Scheduled interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

C. Each utility shall maintain records and notify the Commission of any interruption in its service in accordance with 103-514.

SUBARTICLE 8.

SAFETY

103-580. Acceptable Standards.

As criteria of accepted good safety practice the Commission will use the applicable provisions of the standards referred to in 103-551.

103-581. Protective Measures.

A. Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

B. The utility shall give reasonable assistance to the Commission in the investigation of the causes of accidents and in the determination of suitable means of accident prevention.

C. Each utility shall maintain a summary of all reported accidents arising from its operations.

103-582. Safety Program.

Each utility shall devise and implement a safety program, adapted to the size and type of its operations. At a minimum, the safety program should:

(a) Require the employees to use suitable tools and equipment in order that they may perform their work in a safe manner;

(b) Instruct employees in safe methods of performing their work; and

(c) Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

ARTICLE 6.

TELECOMMUNICATIONS UTILITIES

SUBARTICLE 1.

GENERAL

103-600. Authorization of Rules.

A. Section 58-9-810 of the Code of Laws of South Carolina, 1976, provides:

“The Commission may make such rules and regulations not inconsistent with law or statute as may be proper in the exercise of its powers or for the performance of its duties under this chapter all of which shall have the effect of law.”

In accordance with the above provisions, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern telephone and telegraph service by telephone and telegraph utilities, such rules effective June 30, 1989.

All previous rules and regulations or standards are hereby annulled, revoked and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or part, or from requiring any other or additional service, equipment, facility or standard, either upon complaint or upon its own motion, or upon the application of any utility.

103-601. Application of Rules.

1. Jurisdiction. These rules and regulations shall apply to any person, firm, partnership, cooperative or corporation, which is now or may hereafter become engaged as a telephone utility in the business of furnishing communications service to any customer within the State of South Carolina and to the customers of such utility.

2. Purpose. These rules and regulations are intended to define good practices. They are intended to insure adequate and reasonable service. The utilities shall assist the Commission with the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty such rule or regulation may be waived by the Commission upon a finding by the Commission that such a waiver is in the public interest.

103-602. Definitions.

The following words and terms, when used in these rules and regulations, shall have the meaning indicated below.

103-602.1. Access Line.

The circuit between a subscriber's standard interface located on the subscriber's premises and the central office.

103-602.2. Commission.

The Public Service Commission of South Carolina.

103-602.3. Utility.

Any telecommunications utility operating under the jurisdiction of the Commission.

103-602.4. Customer.

Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.

103-602.5. Reference.

For the purpose of these rules and regulations the reference as specified in R. 642 will be used for the definitions of terms, abbreviations, units of measure, etc.

103-602.6. Standard Network Interface.

The point of demarcation between telephone company-owned facilities and customer-owned wiring and/or equipment.

103-602.7. Interexchange Carrier.

Carrier authorized by the Commission to provide services related to long distance services.

103-602.8. Cocot.

Customer Owned Coin-Operated Telephone.

103-602.9. Radio Common and Cellular Carrier.

A mobile telecommunications carrier licensed by the Federal Communications Commission and authorized by the Commission to receive and transmit signals from mobile transmitter within a specified geographic area.

103-602.10. 900 Numbers.

Premium access services furnished by information providers for which end user customers pay on a per call basis. This definition includes all 900 and 900-type access numbers and any similarly promoted pay-per-call information services.

103-602.11. Information Provider.

An entity which, on an intrastate or interstate basis, disseminates information for compensation over the telecommunications network. Such entities are usually accessed by end user customers by 900 and 900-type numbers.

103-603. Authorization for Rates and Charges.

A. No schedules of rates, tariffs nor contracts involving rates under the jurisdiction of this Commission shall be changed until after proposed change has been approved by the Commission.

B. All rates, tolls, charges and contracts involving rates under the jurisdiction of this Commission proposed to be put into effect by any utility shall be first approved by this Commission before they shall become effective, unless they are exempt from such approval by statute, order of this Commission, or other provision of law.

C. No rate, toll charge, nor contract involving rates under the jurisdiction of this Commission of any utility shall be deemed approved nor consented to by the mere filing of a schedule or other evidence thereof in the offices of the Commission, unless otherwise provided for by law.

103-604. Territory and Certificated Area.

Each utility shall provide service only within its certified area, unless exempt by Commission action, order or statute.

103-605. Utility Rules and Regulations.

Each utility shall adopt such rules, regulations, operating procedures, policies and instructions as may be necessary to govern all aspects of telephone service to its customers so long as those rules and regulations, operating procedures, policies and instructions are not in contradiction to rules and regulations and orders of this Commission or other statutory laws.

All rules and regulations, operating procedures, policies and instructions as outlined above are subject to review by the Commission.

103-606. Service Offerings.

Each utility is authorized to offer such types, class, grades, classification and forms of service as it may deem necessary, so long as each type, class, grade, classification or form of service has been approved or authorized by this Commission.

SUBARTICLE 2.

RECORDS AND REPORTS

103-610. Location of Records and Reports.

All records required by these rules or necessary for the administration thereof, shall be kept within the State, unless otherwise authorized by the Commission. These records shall be available for examination by the Commission or its authorized representatives at all reasonable hours.

103-611. Retention of Records.

Retention of records shall be as specified in the Federal Communications Commission's Rules and Regulations, Part 42, unless otherwise directed by the Commission. Further, the Company shall maintain sufficient records necessary to verify and substantiate all requirements included in these rules. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits, and complaints.

103-612. Data to be Filed with the Commission.

The utility shall file with the Commission the following documents and information:

1. Annual Report. Each utility operating in the State shall file an annual report with this Commission giving such information as the Commission may direct.

2. Current Information and Documents. The information required under this Section shall be kept current at ALL TIMES.

2.1. Tariff. Each utility shall file for approval a tariff.

The utility's tariff shall include:

a. A copy of the utility's rules, terms, or conditions, describing the utility's policies and practices in rendering service.

b. A list of all types, grades, classifications and forms of service offered.

c. A list of the items which the utility furnishes, owns and maintains on the customers' premises, for which a charge is made.

d. The charges for installation, cost per month or otherwise of the above items and termination charges, if any.

e. Definitions of all types, classes, grades, classifications, and forms of service offered.

2.2. Customer Bill. Each utility shall file in the office of the Commission a copy of the form used for billing.

2.3. Operating Area Maps. Each utility shall file with this Commission a map or maps showing its certificated area and/or exchange service area(s). These maps should be of such detail and scale that boundary lines between exchange service areas and boundary lines between telephone companies are accurately locatable.

The maps, as outlined above, shall be revised whenever boundary changes are made and shall be signed by the proper officials and filed for approval with this Commission.

2.4. Authorized Utility Representative. Each utility shall maintain with the Commission the name, title, address, and telephone number of the persons who should be contacted in connection with:

a. General Management Duties

b. Customer Relations (Complaints)

c. Engineering Operations

d. Test and Repairs

e. Emergencies during non-office hours

2.5. Number of Customers. Each utility shall furnish to the Commission the total number of subscribers at the end of each calendar year. This information is to be filed by January 31 of the following year.

103-613. Inspection of Utility Plant.

A. Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of plant, equipment, facilities and service in such form as the Commission may require.

B. Each utility shall keep sufficient records to give evidence of compliance with its inspection programs as set forth in R.103-640 through 654 of these rules and regulations.

103-614. Interruption of Service.

Each utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division of a telephone exchange, including a statement of the time, duration, cause of any such interruption, and steps taken to correct the interruption. The Commission shall be notified of any such interruption, if that interruption exceeds one hour, as soon as practicable. (See E.103-661). A copy of any written report submitted to any Federal jurisdictional entity shall also be submitted with the Commission.

103-615. Accidents.

Each utility shall maintain adequate and accurate records of each accident happening in connection with the operation of its property, facilities, or service wherein any person shall have been killed or whereby any serious property damage shall have been caused.

103-616. Commission Complaints.

Each utility shall keep a record of all complaints received from the Commission. This record shall show the name and address of the complainant, the date, the nature of the complaint, and the adjustment or disposal thereof. The utility, except in cases of high toll usage, and when given at least four hours notice shall not terminate service to a complainant until an answer to the complaint is conveyed to the Commission. A written or oral response is allowable for complaints that the utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the Commission with a written response to written complaints.

103-616.1. Written Complaints.

Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. Each utility shall respond to the complaint conveyed to the utility by the Commission in a timely and thorough manner, not to exceed fourteen days from the receipt of the complaint by the utility in writing. Failure to respond within the specified fourteen day period may result in the granting of the relief requested or such other action as the Commission may deem appropriate.

103-616.2. Oral Complaints.

Oral complaints, including inquiries, shall be processed as soon as possible after being received. All complaints of this nature will be investigated and disposed of within 7 days, unless the complaint is of an extraordinary nature.

103-617. Tests.

Each utility shall keep a record of all tests procedures which are performed as a result of these rules, unless otherwise directed by the Commission.

103-618. Service Reports.

Each telephone utility shall file the following service reports with the Commission on a quarterly basis within thirty (30) days of the end of the each calendar quarter. Reports shall show results by wire center, central office, exchange, or maintenance group.

A. Trouble reports per hundred access lines:

The report shall contain the total number of actual customer complaints received for each quarter per hundred access lines. Details of the calculations shall be shown by indicating the actual number of

reported trouble reports and indicating the corresponding number of access lines for each reporting group. A composite trouble report rate shall be computed for the total utility's regulated operations. Trouble report per hundred access lines rates which exceed the Commission's specified objectives (See R.103-663.6) shall be accompanied by written explanation.

B. Customer out of service trouble clearing times:

The report shall contain the percentage number of out of service reports cleared within twenty four (24) hours, excluding weekends and holidays. The report shall indicate the total actual number of reported customer out of service reports for each reporting group. Out of service clearing times which exceed the Commission's specified objective (See R.103-663.7) shall be accompanied by written explanation.

103-619. Held Applications/Availability of Service.

The following information shall be filed with the Commission on a quarterly basis within thirty (30) days of the end of the each calendar quarter. Reported information which indicates that the Commission's specified objectives have not been met shall be accompanied by explanation. Reports shall show results by wire center, central office, exchange or maintenance group. This information shall be reported as a percentage of work order activity characterized as follows:

- a. The number of applications for new service held over thirty (30) days.
- b. The number of applications for regrade held over thirty (30) days.
- c. The total number of access lines.
- d. The percentage of service orders for installations and re-installations completed within five (5) working days.
- e. Commitments fulfilled.

SUBARTICLE 3.

CUSTOMER RELATIONS

103-620. Customer Information.

Each utility shall:

- a. Maintain up-to-date maps, plans, or records of its entire system, with other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.
- b. If so directed by the Commission, notify by mail each customer affected in writing, of any proposed changes in rates and charges. The form of such notification shall be prescribed by the Commission. A certification that the above notice requirement has been met shall be furnished to the Commission by the utility.
- c. Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the approved by the Commission, are available for inspection.
- d. Furnish, upon request, information as to the utility's billing procedures.
- e. Each utility shall provide adequate means whereby each customer can contact repair service at all hours.
- f. Furnish such additional reasonable information as customers may request.
- g. Notify all customers making a complaint that the telephone utility is under the jurisdiction of the Commission and the customer may wish to contact the Commission about the complaint.

103-621. Customer Deposits.

A. Each telephone utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

1. The customer's past payment record to a telecommunications utility shows delinquent payment practice, i.e., customer has had two consecutive 30-day arrearages, or more than two non-consecutive

30-day arrearages in the past 24 months, or customer has been sent four or more late payment notices in the past 9 months, or

2. A new customer cannot furnish either a letter of good credit from a reliable source or an acceptable co-signer or guarantor on the same system within the State of South Carolina to guarantee payment, or

3. A customer has no deposit and presently is delinquent in payments (i.e., has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months), or

4. A customer has had his service terminated by any telecommunications utility for non-payment or fraudulent use.

B. Each utility shall inform each prospective customer of the provisions contained in R.103-621-(A).

C. Excluded from deposit considerations are billings for 900 and 900-type charges, and non-regulated items.

103-621.1. Deposit Receipt.

Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a customer may establish his claim if his receipt is lost.

103-621.2. Amount of Deposit.

A. For a new customer, a maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) total bill (including toll and taxes). For an existing customer, a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months within the preceding six (6) months.

B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and the payment habits of the customer.

103-621.3. Interest on Deposits.

A. Simple interest on deposits at the rate as prescribed by the Commission shall be paid by the utility to each customer required to make such deposit for the time it is held by the utility.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.

C. The deposit shall cease to draw interest on the date it is returned, the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-621.4. Deposit Records.

Each utility shall keep records to show:

a. The name and address of each depositor

b. The amount and date of the deposit

c. The last transaction concerning the deposits

d. The reasons why deposit retained after two year retention period (See R.103-621.5)

103-621.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrearages or more than two non-consecutive 30-day arrearages in the past 24 months, or has had service denied or interrupted for non-payment of bills, or has been sent more than two late payment notices in the past 9 months, or has a returned check in the past 6 months.

103-621.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years, during which time the telephone utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the S. C. Tax Commission as prescribed by law.

103-621.7. Deposit Credit.

Where a customer has been required to make a guaranteed deposit, that deposit shall not relieve the customer of the obligation to pay the service bill when due, but where such deposit has been made and service has been disconnected because of nonpayment of account, then unless the customer shall, within seventy-two hours after service has been disconnected, apply for reconnection of service and pay the account, the account may be discontinued. If the utility discontinues the account, the utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

103-622. Customer Billing.

Every telephone utility shall render each customer an accurate and timely bill.

103-622.1. Bill Forms.

Each bill should show the following:

- a. Telephone number or account number when available
- b. Person to whom bill is sent
- c. Dates charged for
- d. Toll charges itemized and coded as to time of day (daytime, evening, etc.) person to person, DDD, etc.
- e. Charge for local service, such charges should be itemized for residential and single line business subscribers based on the following minimum criteria:
 1. At the time a customer initially applies for service (first bill generated).
 2. When an existing customer applies for a change in the local service(s) provided, either add or discontinue, i.e., TouchTone, Custom Calling feature, etc., (next scheduled bill generated).
 3. Annually. This would occur for any customer who has had service longer than one year and has had no changes to their local service charge (service order activity) during the previous 12 months. The status of the customer's access to 900 numbers (blocked or not blocked) should be indicated in this annual statement.
- f. Taxes
- g. Balance brought forward
- h. Date due
- i. Amount due
- j. Late payment charges

103-622.2. Late Payment Charges.

A maximum of one and one half percent (1 1/2 %) may be added to any unpaid balance brought forward from the previous billing date to cover the cost of collection and carrying accounts in arrears. This method of late payment charge will be made in lieu of any other penalty. Billings for 900 and 900-type charges or non-regulated items are excluded from the balance on which a late fee may be imposed.

103-622.3. Disconnection and Reconnection.

Whenever telephone service is denied or discontinued for violation of rules and regulations, non-payment of bills or fraudulent use of telephone service, the utility may make an approved tariff charge for cost incurred in disconnecting or discontinuing the communication service and reconnecting it after restoration and may require payment for service not previously billed.

103-622.4. Payment by Check.

The utility, at its option for good cause, may refuse to accept a check tendered as payment on a customer's account.

103-622.5. Deferred Payment Plan.

The utility may provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for service. The deferred payment plan may require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by R.103-622.2. A deferred payment plan is any agreement to defer a payment to the next billing cycle.

103-623. Adjustment of Bills.

If it is found that a telecommunications utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such telecommunications utility than that prescribed in the schedules of such telecommunications utility applicable thereto then filed in the manner provided in Title 58 of the South Carolina Code of Laws, or if it is found that any customer has received or accepted any service from a telecommunications utility for a compensation greater or lesser than prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

103-623.1. Customer Willfully Overcharged.

If the telecommunications utility has willfully overcharged any customer, the company shall refund the difference, plus interest, as prescribed by the Commission, for the period of time that can be determined that the customer was overcharged.

103-623.2. Customer Inadvertently Overcharged.

If the telecommunications utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the telecommunications utility shall, for any amount of dollar (\$1.00) or more (amounts less than \$1.00 will be credited to account) at the customer's option, credit, or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

- a. If the interval during which the customer was overcharged can be determined, then the telecommunications utility shall credit or refund the excess amount charged during the interval, provided that the applicable statute of limitations shall not be exceeded.
- b. If the interval during which the customer was overcharged cannot be determined then the telecommunications utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the error was discovered.
- c. If the exact amount of the overcharge incurred by the customer during the billing periods subject to adjustment cannot be determined, then the credit or refund shall be based on an appropriate estimated amount of excess payment.

103-623.3. Customer Undercharged Due to Willfully Misleading Company.

If the telecommunications utility has undercharged any customer as a result of a fraudulent or willfully misleading action of that customer, or any action by any person (other than the employees or agents of the telecommunications utility), such as tampering with the facilities, when it is evident that such tampering or bypassing occurred during the residency of that customer, or if it is evident that a customer has knowledge of being undercharged without notifying the telecommunications utility as such, then the telecommunications utility shall recover the deficient amount provided as follows:

- a. If the interval during which the customer was undercharged can be determined, then the telecommunications utility shall collect the deficient amount incurred during the entire interval, provided the applicable statute of limitations is not exceeded.

b. If the interval during which the customer was undercharged cannot be determined, then the telecommunications utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the telecommunications utility.

103-623.4. Customer Undercharged Due to Human or Machine Error.

If the telecommunications utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error when the telecommunications utility may recover the deficient amount as follows:

a. If the interval during which a customer was undercharged can be determined, then the telecommunications utility may collect the deficient amount incurred during the entire interval up to a maximum period of six months.

b. If the interval during which a customer was undercharged cannot be determined, then the telecommunications utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the telecommunications utility.

c. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills devoid of late charges, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

103-624. Applications for Service. 103-624.1. Method.

Applications for service may be oral or in writing.

103-624.2. Obligation.

The applicant shall, at the option of the telephone utility, be required to sign a service agreement or a contract. In the absence of such service agreement or contract, the accepted application shall constitute a contract between the telephone utility and the applicant, obligating the applicant to pay for service in accordance with the telephone utility's tariff currently on file with the Commission, and to comply with the Commission's and the telephone utilities' rules and regulations.

103-624.3. Termination.

When a customer desires to have his service terminated, he must notify the telephone utility. Such notification may be oral or in writing. The telephone utility shall be allowed a reasonable period of time after the receipt of such notice to send a final bill.

103-625. Reasons for Denial or Discontinuance of Service. Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

a. Without notice, in the event of a condition determined by the utility to be hazardous or dangerous.

b. Without notice, in the event of customer use of equipment in such a manner as to adversely affect the utility's service to others.

c. Without notice, in the event of unauthorized use of telephone service.

d. For the customer tampering with equipment furnished and owned by the utility.

e. For violation of and/or non-compliance with the Commission's Orders or regulations governing service supplied by the utilities.

f. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.

g. For failure of the customer to permit the utility reasonable access to its equipment.

h. In cases of extreme risk involving abnormal and excessive use of toll service, service may be denied two (2) days after written notice is given to the customer, unless satisfactory arrangements for payment are made.

i. For failure of the customer to provide the utility with a deposit as authorized by 103-621(1).

- j. For failure of the customer to furnish permits, certificates, and/or right-of-ways, as necessary to obtain service, or in the event such permissions are withdrawn or terminated.
- k. Where there is probable cause to believe that there is illegal or willful misuse of utility's service.
- l. No telephone utility shall be required to furnish its service or to continue its service' to any applicant who, at the time of such application, is indebted under an undisputed bill to such telephone utility for telephone service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the telephone utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.
- m. For non-payment of that portion of the bill rendered by the local Company for telecommunications service billed for another telecommunications common carrier.
- n. Without notice, in the event of a COCOT violation of a Commission Order of which the COCOT has been notified and has failed to correct the violation within the amount of time specified in such notification.

103-626. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

- a. Non-payment for services by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service or unless the new occupant benefited from such old service.
- b. Failure to pay for merchandise purchased from the utility.
- c. Failure to pay for non-communications service provided by the utility, including, but not limited to, any non-regulated telecommunications equipment or services furnished by the company.
- d. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residential service or vice versa.
- e. Failure to pay billings associated with 900 and 900-type numbers or non-regulated charges.

103-627. Rights of Access.

The authorized agents of the utility shall have the right of access to the premises supplied with telephone service, at reasonable hours, for the purpose of maintenance, removal and inspection or for any other purpose which is proper and necessary in the conduct of the utility's business.

103-628. Customer Complaints.

Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep such records of customer complaints as will enable it to review and analyze its procedures and actions.

103-629. Tariffs, Rules and Regulations.

A copy of the utility's tariffs as filed with this Commission and the utility's rules and regulations as provided for in R.103-605 shall be on file in the local business offices of the utility and shall be available for inspection of the public.

103-630. System Which Utility Must Maintain.

Each utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper conditions, all of the facilities and instrumentalities used in connection with the furnishing of telephone service excluding customer provided equipment.

103-631. Directories. Telephone directories shall be published at regular intervals, listing the name, address, and telephone numbers of all customers, except public telephone and telephone service unlisted at customer's request.

- A. The utility shall list its customers with the directory assistance operators to provide the requested telephone numbers based on the customer's name and address when such requests are made by communication users, except public telephones and telephone service unlisted at customer's request.
- B. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and copy of each directory shall be furnished to the Commission.
- C. The name of the telephone utility, an indication of the area included in the directory and the month and year of issuance shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front pages of the directory, and shall be provided without charge to the agency located within the utility's certificated area. Also, in the front portion of the directory shall appear the address and telephone number of the Public Service Commission.
- D. The directory shall contain instructions concerning placing of long distance calls, calls to repair and directory assistance services, and locations and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory.
- E. Directory assistance operators shall have access to records of all telephone numbers in the area for which they are responsible for furnishing directory assistance service except telephone numbers not published at customer's request.
- F. Each telephone utility shall make every effort to list its customers with directory assistance as necessary for the directory assistance operators to provide the requested telephone numbers based on customer names and service locations to minimize "not found" numbers where the address is different from the address normally associated with an exchange directory.
- G. In the event of an error in the listed numbers of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In such event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance operators. The correct number furnished the calling party either upon request or interception.
- H. Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time, and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.
- I. When additions or changes in plant or changes to any other utility operations necessitates changing telephone numbers to a group of customers, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.
- J. Approval must be obtained from the Commission prior to a reduction in the size of print in the alphabetical section of the directory.

103-632. 900 & 900-Type Services Offerings.

The telephone utility may act as the carrier and bill for 900 and 900-type services subject to the following constraints:

103-632.1. No Denial of Service.

Telecommunications services may not be denied for dispute or nonpayment of 900 and 900-type services.

103-632.2. Safeguards for Children's Programs.

Safeguards shall be utilized to protect against abuses directed at children. These safeguards shall include:

- (a) mandatory preambles.
- (b) appropriate indications to children, both in the program's promotion and preamble, that their parent's or guardian's permission must be received.
- (c) programming directed at children shall not include the enticement of a gift or premium.

103-632.3. Preambles

Preambles will be used for all children's programs. All other 900 programs, except for flat rated calls whose price does not or cannot exceed \$2.00 per call, shall require a preamble. End users shall not be

charged for the preamble. The time duration of the preamble shall be adequate to inform the caller of the nature and cost of the call, and allow the caller the opportunity to disconnect prior to the commencement of charges.

103-632.4. Availability of 900 Access.

(a) When and where technically feasible, the local exchange company shall offer one time free set up for access or blocking of all 900 and 900-type services to its customers. Subscribers shall be given this option at the time service is established. New customers who do not indicate a choice will automatically be blocked. Any subsequent subscriber request for a change in the status of that customer's access to 900 and 900-type services will require the imposition of the Commission's approved tariffed service charge or charges. However, in situations where a customer choice is requested pursuant to a Commission authorized process (i.e., ballot or otherwise), no service charge shall be imposed on that customer.

(b) The local exchange company shall require written requests for unblocking. The company may further require that such requests be accompanied by appropriate subscriber identification.

(c) No monthly or other recurring charge shall be imposed to maintain blocking of or access to 900 and 900-type numbers.

(d) In situations where a subscriber is in arrears for 900 and 900-type services two times within a twelve month period (for reasons not involving a legitimate complaint), the local exchange company may initiate 900 number blocking of that account.

103-632.5.

Telecommunications carriers are prohibited from acting as billing and collection agents for 900 and 900-type services that are fraudulent, unfair, deceptive; or advertised, promoted or marketed in violation of South Carolina and Federal laws.

103-633. Procedures for Termination of Service.

Service may be terminated for non-payment of a bill, provided that the telephone utility has made a reasonable attempt to effect collection and has given the customer written notice that he has five days in which to make settlement on his account or have his service disconnected. Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M., unless provisions have been made to have someone available to accept payment and reconnect service.

SUBARTICLE 4.

ENGINEERING

103-640. Requirements for Good Engineering Practice.

The plant of each utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practices and regulations, included by reference as part of these rules as far as possible. Continuity of service, uniformity in quality of service furnished, and the safety of persons and property shall be maintained.

103-641. Acceptable Standards.

Unless otherwise specified by the Commission, each utility shall use the applicable provision in the publication listed below as standards of accepted good practices:

a. Latest edition of The National Electrical Safety Code.

103-642. Acceptable .

Telephony's Dictionary as published by Telephony Publishing Corporation, 55 East Jackson Blvd., Chicago, Illinois 60604.

103-643. Adequacy of Service.

The capacity of the utility's plant shall be sufficiently large to meet all reasonably expected requests for service. See 103-663(1).

103-644. Inspection of Plant.

A. Each utility shall adopt a program of inspection of its plant in order to determine the necessity for replacement and repair. The frequency of various inspections shall be based on the utility's experience and accepted good practice.

B. Each telephone utility shall maintain its plant, equipment, and other facilities at all times in a reasonably adequate and serviceable condition consistent with the Commission's Rules and accepted industry standards.

C. The telephone equipment, apparatus and lines furnished by the telephone utility shall remain the property of the telephone utility, and no instrument, appliance or device of any kind not furnished by the telephone utility shall be attached to or in any way used in connection with such telephone equipment, apparatus, and lines, either directly or indirectly, by induction or otherwise, except in accordance with the guidelines contained in Part 68 of the Federal Communications Commission's Rules and Regulations. In the event any instrument, apparatus, or device of any kind other than that furnished by the telephone utility, or as excepted above, is attached to or connected with any part of its properties, the telephone utility shall have the right to remove such instrument, apparatus, or device in accordance with the applicable law.

103-645. Hazardous Locations.

Explosive Atmospheres and Other Hazardous Locations.--No telephone company shall be required to install or maintain any of its apparatus or equipment in explosive atmospheres, or at outdoor or other locations which, in its judgment, are not suitable for the location of its service and facilities.

103-646. Emergency Operation.

A. Telephone utilities shall make reasonable provisions to meet emergencies resulting from failures of lighting or power services, unusual and prolonged increases in traffic, illness of personnel, or from fire, storm, or other acts of God and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service.

B. Each central office shall contain as a minimum two hours of battery reserve. All central offices shall make adequate provisions for emergency power. In offices without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected within the period of the battery reserve and can maintain the office for an extended period of time.

C. In exchanges exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

SUBARTICLE 5.

INSPECTION AND TESTS

103-650. Utility Inspection and Test.

A. Each utility shall adopt a program of periodic tests, inspections, and preventive maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

B. Each utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities provided by the utility both for routine maintenance and for trouble location. The actual transmission performance of each telephone network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk tests, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the telephone network.

103-651. Commission Inspection and Test.

When tests are conducted by the Commission, its staff or representatives, to ensure or determine if the provision of these rules herein contained are being adhered to, each telephone utility shall assist with such test as requested provided such request is in accordance with all legal requirements and sanctions.

103-652. Testing Facilities.

A. Each utility shall, unless specifically excused by the Commission, provide such instruments and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the Commission. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the Commission.

B. Each utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as is herewith provided or as may be approved or ordered by the Commission.

103-653. Trouble Reports.

A. Each utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. Each utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

B. Provisions shall be made to clear all trouble of any emergency nature at all hours, consistent with the needs of customers and the personal safety of utility personnel.

C. Provisions shall be made to normally clear all other out-of-service troubles not requiring unusual repair, such as cable failures, within 24 hours of the report received by the utility excluding Sundays and holidays unless the customer agrees to another arrangement.

D. Provisions shall be made to keep all commitments to customers. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

103-654. Maintenance of Plant and Equipment.

A. Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

B. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected, such as:

1. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced.
2. Adjustable apparatus and equipment shall be readjusted as necessary when found to be in an unsatisfactory operating condition.
3. Electrical faults, such as leakage or poor insulation, noise induction, crosstalk, or poor transmission characteristics shall be corrected to the extent practicable.

SUBARTICLE 6.

STANDARDS AND QUALITY OF SERVICE

103-660. Quality of Service.

It shall be the obligation of each telephone utility, dependent upon their ability to procure and retain suitable facilities and rights for the construction and maintenance of the necessary circuits, to furnish reasonably adequate telephone service to telephone customers in the area or territory in which it operates.

Such service is to be rendered according to lawfully established and approved rates and charges for the specific territory involved.

103-661. Interruptions of Service.

A. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be reestablished within the shortest time practicable, consistent with safety.

B. Planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

C. Each utility shall notify the Commission of any major service outage affecting over ten percent (10%) of its subscribers in a given area (see also R.103-614). The information shall be made available in written form upon request.

103-662. Restrictions on Use of Service.

Each utility may impose reasonable restrictions on the use of telephone service during periods of excessive demand or other difficulty which jeopardizes the quality of service to any group of customers.

103-663. Service Standards. 103-663.1. Availability of Service.

Orders for new service, where all tariff requirements have been met, shall be completed within the interval shown below after receipt of the application, excepting those where a later date is requested by the customer or where special equipment or service is involved:

A. Service Orders for Installation and Re-installations:

85% within 5 working days

B. Commitments fulfilled: 85%

Commitments shall be made for a specific day.

103-663.2. Equipment Requirements.

A. The central office and interoffice trunk equipment shall be maintained so as to meet the following standards during an average business day (8:00 AM to 5:00 PM):

Failure rate on intraoffice calls--1.5%

Failure rate on interoffice calls--3%

The failure rate for interoffice calls applies to EAS and multioffice trunking calls but not to toll calls.

B. The central office and interoffice trunk standards are the objectives to be used by the Commission staff when testing. The telephone utilities are not required to perform tests or maintain records of these items.

103-663.3. Subscriber Loop-Transmission Objectives.

The following standards are objectives to be used by the Commission Staff during testing at the subscriber's station protector. Acceptable measurements are:

DC Line Current: greater than 20 mA

Circuit Loss: less than 8.5 db

Circuit Noise: less than 20 dBrnC

Power Influence: less than 90 dBrnC

Balance greater than 60 dB

(Where Balance (dB) = Power Influence - Circuit Noise)

103-663.4. Dialtone.

Central office equipment shall be maintained so as to meet the following standards:

98% of all calls shall receive dialtone within three (3) seconds.

103-663.5. Answering Time.

Each telephone utility shall provide adequate personnel and equipment so as to meet the following service objectives under normal operating conditions:

- a. Toll and operator assistance calls answered within 10 seconds (does not include directory assistance calls): 90%
- b. Calls to repair service answered within 20 seconds: 90%
- c. Directory assistance answered within 30 seconds: 80%

103-663.6. Customer Trouble Reports.

A. Service by each utility shall be such that the number of customer trouble reports per 100 total access lines in service per month shall not exceed the following:

| EXCHANGE/REPORTING GROUP | SIZE | OBJECTIVE |
|--------------------------|------|-----------|
| OVER 7,500 ACCESS LINES | | 5.0 |
| UNDER 7,500 ACCESS LINES | | 7.0 |

Unusual situations caused by storms, unavoidable casualties or other conditions causing an excess number of reports should be explained in the trouble report.

B. A customer trouble report is any oral or written notice received by the utility (other than problems detected by the utility's internal diagnostics) indicating difficulty or dissatisfaction with the performance, physical condition, location or appearance of the utility's regulated telephone plant or equipment.

103-663.7. Customer Out of Service Trouble Clearing Time.

Provisions shall be made to normally clear all out of service troubles within twenty-four hours of the reported time to the utility, excluding weekends and holidays, unless the customer agrees to another arrangement. The out of service trouble clearing time objectives for telecommunications utilities is 85% within 24 hours.

SUBARTICLE 7.

SAFETY

103-670. Acceptable Standards.

As criteria of accepted good safety practice the Commission will use the applicable provisions of the standard listed in 103-641.

103-671. Protective Measures. Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers and the general public may be subjected.

103-672. Safety Program.

Each utility shall adopt and execute a safety program fitted to the size and type of its operation.

SUBARTICLE 8.

TELECOMMUNICATION RELAY SERVICE ADVISORY COMMITTEE

103-680. Role of the Advisory Committee.

The Telecommunication Relay Service Advisory Committee shall monitor the establishment, administration, and promotion of the telecommunications relay service, and advise the Commission on ways the service may be enhanced to better meet the communication needs of the hearing and speech impaired.

103-681. Committee Name.

The Advisory Committee shall be known as the Telecommunications Relay Service (TRS) Advisory Committee.

103-682. Composition of the TRS Advisory Committee.

1. The TRS Advisory Committee shall be comprised of members from the agencies as designated by statute.
2. The TRS Advisory Committee shall select a person from among its members to serve as chairman.
3. Members of the TRS Advisory Committee shall serve at the pleasure of the Commission.
4. Members of the TRS Advisory Committee shall serve without compensation.

103-683. Meetings.

1. The TRS Advisory Committee shall meet no less than once per quarter. Other meetings shall be called at the discretion of the chairman.
2. Meetings shall be publicly noticed as far in advance as is practicable.
3. The chairman shall ensure that a qualified interpreter(s) is present at all called meetings.

103-684. Commission Approval.

1. The Commission anticipates that the TRS Advisory Committee shall make all decisions which are necessary to perform its functions as specified in 103-680. However, the Commission retains its right to review and approve the decisions of the TRS Advisory Committee.
2. The Commission Staff TRS Advisory Committee members, or any other committee members, may require that committee recommendations be approved by the Commission.
3. The Commission must approve any and all proposed expenditures from the operating fund.

ARTICLE 7.

WATER UTILITIES

SUBARTICLE 1.

GENERAL

103-700. Authorization of Rules.

A. Section 58-5-210 of the Code of Laws of South Carolina 1976, provides: "That the Public Service Commission is hereby, to the extent granted, vested with power and jurisdiction to supervise and regulate the rates and service of every public utility in this State, together with the power, after hearing, to ascertain and fix such just and reasonable standards, classifications, regulations, practices, and measurements of service to be furnished, imposed, observed and followed by every public utility in this State, and the State hereby asserts its rights to regulate the rates and services of every public utility as herein defined. In accordance with the above provisions the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern water service by public utilities. All previous rules or standards are hereby revoked, annulled, and superseded."

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending, or revoking them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard, either upon complaint, upon the application of any utility or upon its own motion. Furthermore, these rules shall not relieve either the Commission or the utilities of any duties prescribed under the laws of this State.

103-701. Application of Rules.

1. Jurisdiction. These rules shall apply to any person, firm, partnership, association, establishment or corporation (except public utilities owned or operated by any municipality or agency thereof and/or any

water authority specifically exempted by statute) which is now or may hereafter become engaged as a public utility in the business of furnishing water to any water consumer within the State of South Carolina.

2. Purpose. These rules are intended to define good practice. They are intended to insure adequate and reasonable service. The utilities shall assist the Commission in the implementation of these rules and regulations.

3. Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

103-702. Definitions.

The following words and terms, when used in these rules and regulations, shall have the meaning indicated below:

103-702.1. Commission.

The Public Service Commission of South Carolina.

103-702.2. Utility.

Every person, firm, partnership, association, establishment or corporation furnishing or supplying in any manner water to the public, or any portion thereof, for compensation. A “homeowners association”, as defined in these rules and regulations and subject to the requirements set forth herein, upon Commission order, may be found not to be a utility.

103-702.3. Homeowners Association.

An association of lot owners located in a particular subdivision or development incorporated under the laws of this state as a non-profit corporation, including as one of its purposes, the operation of a water system to serve the particular subdivision or development. Each homeowners association, prior to the commencement of operations of a water system, shall file with the Commission (a) a certified copy of its certificate of incorporation; (b) a copy of the corporation’s bylaws; (c) a copy of any declaration of covenants, conditions and restrictions on real property in the subdivision or development filed in conjunction with the formation of the homeowners association; (d) a copy of the permit or authorization from the Department of Health and Environmental Control issued to the homeowners association to operate the utility; and (e) copies of a statement signed by each lot owner disclosing that the water services in the subdivision are provided by a non-profit homeowners association, in which each lot owner is a voting member, and that an appropriate assessment to meet operating expenses of the utility must be paid by each lot owner.

103-702.4. Customer.

Any person, firm, partnership or corporation, or any agency of the Federal, State or Local Government, being supplied with service by a utility under the jurisdiction of this Commission. Customers shall be classified for purposes of applying rates as “residential”, or “commercial”, or “industrial”.

103-702.5. Premises.

A piece or tract of land or real estate, including buildings and other appurtenances thereon.

103-702.6. Main.

A water pipe owned, operated or maintained, by a utility, which is used for the purpose of transmission or distribution of water, but does not include the “utility service line” or “customer service line”.

103-702.7. Utility Service Line.

The portion of the distribution line that transports water from a main to a meter, or if there is no meter, up to and including the curb stop.

103-702.8. Customer Service Line.

The portion of the distribution line that transports water from the meter, to the place of consumption on the customer's premises, or, if there is no meter, from the curb stop to the place of consumption on the customer's premises.

103-702.9. Curb Stop.

Valve controlling water flow located on the utility service line. Curb stops are for the exclusive use of the utility for control of the water supply to individual customers and should be located at or adjacent to the customer's property line but should not be located on the customer's premises. The control of the water supply by the customer shall be by means of a separate valve, installed by the customer, and located on his premises.

103-702.10. Meter.

Any device, or instrument, which is used by a utility in measuring a quantity of water for billing purposes. The meter will be the property of, and will be maintained by, the utility.

103-702.11. Error in Registration.

The percentage by which the correct registration varies from the meter registration. The error is derived by stopping the meter test hand at the starting point and then determining the percentage variation in registration as indicated by the working standard. The formula for determining the error in registration is:

$$\frac{100 \times (\text{Meter Reading} - \text{Actual Volume})}{\text{Actual Volume}}$$

A positive percentage indicates a fast meter and a negative percentage indicates the meter is slow.

103-702.12. Water Plant.

All facilities owned by the utility for the collection, production, purification, storage, transmission, metering, and distribution of potable water.

103-702.13. Rate.

The term "rate" when used in these rules and regulations means and includes every compensation, charge, toll, rental, classification, or availability fee, or any of them, including tap fees, or other non-recurring charges demanded, observed, charged, or collected by any utility for any water service offered by it to the public, and any rules and regulations, practices, or contracts affecting any such compensation, charge, toll, rental or classification. An application for approval of any rate schedule will not be accepted for filing under S.C. Code Ann., Section 58-5-240 unless accompanied by the information specified under 103-712(4).

103-702.14. Tap Fee.

A non-recurring, non-refundable charge related to connecting the customer to the utility's system which includes the cost of installing the utility's service line from the main to the customer's premises and a portion of plant capacity which will be used to provide service to the new customer. Plant capacity shall be computed by using the Guidelines for Unit Contributory Loadings to Wastewater Treatment Facilities (1972) to determine the single family equivalency rating. Any privately-owned corporation, firm, partnership, or individual empowered by contract, or otherwise, to collect a tap fee from a customer for the provision of water service to that customer shall be considered a utility, and shall obtain Commission

approval prior to collecting tap fees, or any other rates for water service. An application for approval of any rate change shall not be considered unless the filing contains appropriate exhibits setting forth all cost criteria justifying the tap fee, setting forth the portion of the tap fee related to installing the service line and the portion related to plant capacity.

103-702.15. Customer Contribution in Aid of Construction.

A fee paid by a customer under a contract entered into by and between the utility and its customers providing terms for the extension of the utility's mains to serve the customer.

103-703. Authorization for Rates and Charges.

A. No schedule of rates, contracts, or rules and regulations, shall be changed until after the proposed change has been approved by the Commission.

B. All rates, contract forms, or rules and regulations, proposed to be put into effect by any utility as defined in 103-702(2), shall be first approved by this Commission before they shall become effective, unless they are exempt from such approval by statute or other provision of law.

C. No rate, contract, or rules and regulations of any utility under the jurisdiction of this Commission shall be deemed approved or consented to by the mere filing of a schedule, or other evidence thereof, in the offices of the Commission.

D. Each customer within a given classification (i.e., residential, commercial or industrial) shall be charged the same approved rate, including tap fees, as every other customer within that classification unless reasonable justification is shown for the use of a different rate or toll, and a contract or tariff setting forth the different rate has been filed and approved by the Commission through the issuance of an order or directive.

103-704. Territory and Certificates. No existing public utility supplying water to the public, or any individual, corporation, partnership, association, establishment or firm undertaking the construction or acquisition of a utility, shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or of any extension thereof, by the sale of stock or otherwise, without first obtaining from the commission a certificate that the sale, transfer or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension. Such certificate shall be granted only after the applicable information set forth in Subarticle 2, 103-710 et seq., has been filed, and after notice has been given to the Department of Health and Environmental Control and other interested water utilities, and to the public, and after due hearing; provided, however, that this regulation shall not be construed to require any existing water utility to secure a certificate for an extension within or to territory already served by it, necessary in the ordinary course of its business. But, if any water utility in constructing or extending its lines, plant or system unreasonably interferes, or is about to unreasonably interfere, with the service or system of any other utility, the commission may make such order, and prescribe such terms and conditions, in harmony with this regulation, as are just and reasonable.

103-705. Utilities Rules and Regulations.

Each utility shall adopt rules, regulations, operation procedure policies, terms and conditions, etc., as may be necessary in the operation of the utility. Such service "conditions/or regulations" shall be approved by and filed with the Commission, along with certification that these rules are consistent with the rules of the Commission.

103-706. Security Issues.

A. No utility shall issue any securities without the approval of the Commission. This rule shall not apply to any issue of securities payable within one year from the date of issue, except in case of subsequent issues made to refund short term obligations; but such short term obligations may be renewed by similar obligations without the approval of the Commission for an aggregate period not exceeding two years.

B. Any utility desiring to issue securities may apply to the Commission for approval of the proposed issue by filing an application, together with a statement verified by (1) its president and secretary or other appropriate officers; (2) two of its incorporators, or (3) by its owner or owners, if it is unincorporated, setting forth:

- (a) The amount and character of securities proposed to be issued;
- (b) The purpose for which they are to be issued;
- (c) The consideration for which they are to be issued;
- (d) The description and estimated value of the property, if any, to be acquired through the proposed issue;
- (e) The terms and conditions of the issuance; and
- (f) The financial condition of the utility and its operations so far as relevant.

C. The Commission shall determine whether the purpose of the issue is proper; shall value the property or services, if any, to be acquired by the issue, and it shall find and determine the amount of securities reasonably necessary for the purpose for which they are to be issued. This determination shall follow such investigation as may be necessary, wherein the utility and any other interested party shall be entitled to be heard.

D. To the extent that the Commission may approve the proposed issue, it shall grant to the utility a certificate of authority stating the character of the securities and the amount reasonably necessary for the purpose for which they are to be issued; and the value of any property or services, if any, to be acquired. This certification shall not impose or imply any guaranty or obligation as to such securities on the part of the Commission.

SUBARTICLE 2.

RECORDS AND REPORTS

103-710. Location of Records and Reports.

All records required by these rules are necessary for the administration thereof, shall be kept within an office located in this state, unless otherwise specifically authorized by the Commission. These records shall be available for examination by the Commission or its authorized representatives at all reasonable hours.

103-711. Retention of Records.

Unless otherwise specified by the Commission, or by regulations or Commission Orders governing specific activities, all records required by these rules shall be preserved for two years.

103-712. Data to be Filed with the Commission.

1. Annual Report. Each utility operating in the State shall file an annual report with the Commission giving accounting, and other information as the Commission directs.

The Commission will provide an annual report form upon request. If the utility's books are maintained on a calendar year, the annual report must be filed on or before April 1st of each year. If the utility uses a fiscal year other than December 31st, the annual report should be filed within three months after the end of the fiscal year.

2. Current Information and Documents. The utility shall file with the Commission the following documents and information, and shall maintain such documents and information in a current status.

2.1. Tariff. A copy of each schedule of rates and charges for service, together with the applicable riders, including any rules and regulations or terms and conditions describing policies and practices in rendering service.

2.2. Contract Forms. A copy of each special contract for service, including aid to construction agreements, and rate or toll agreements.

2.3. Customer Bill. A copy of each type of customer bill form, which shall include the information which is normally shown on a customer's bill for service.

2.4. Operating Area Maps. A map of the utility's operating area. This map shall be revised annually unless such revision is unnecessary, in which event the utility shall notify the Commission that the map on file is current. The map should show:

- (a) Location of pumping stations, purification plants and sources of supply;
- (b) Potable water storage facilities;
- (c) Mains by size;
- (d) Location of valves and fire hydrants;
- (e) Service area clearly drawn on operating area map utilizing proper surveying standards;
- (f) Names of all communities (post offices) served;
- (g) Location of blow off valves; and,
- (h) Capacity of the system.

2.5. Authorized Utility Representative. The utility shall advise the Commission of the name, title, address, and telephone number of the person who should be contacted in connection with:

- (a) General management duties;
- (b) Customer relations (complaints);
- (c) Engineering operations;
- (d) Meter test and repairs; and,
- (e) Emergencies during non-office hours.

3. Performance Bond. Prior to operating, maintaining, acquiring, expanding or improving any water utility system, for which Commission approval is required, the utility shall have on file with the Commission a performance bond with sufficient surety using a format prescribed by the Commission.

3.1. Amount of Bond. The amount of bond shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other Than Income Taxes, Income Taxes, and Debt Service including Interest Expenses. The minimum amount of the bond shall be \$100,000 and the maximum amount of the bond shall be \$350,000. A bond shall be required for each water and wastewater provider under the jurisdiction of the Public Service Commission. A certification that the face amount of the bond on file with the Commission complies with the provisions of 103-712.3.1 shall be filed with the annual report required by 103-712.1 of this rule. The Staff shall review the annual reports and certifications and determine whether the present bond of the utility accurately reflects the expenses of the utility. Based upon the expenses of the utility as submitted in the annual report and as reviewed and adjusted by Staff, the Staff shall make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits as prescribed by statute.

3.2. Sureties. Sufficient surety may be any duly licensed bonding or insurance company authorized to do business in this state. A corporate surety, other than such a bonding or insurance company, shall not be considered sufficient surety.

Sufficient surety may be any individual, as stockholder, partner, sole owner, etc., in the utility, so long as the individual surety's net worth is at least twice the face amount of the performance bond.

3.3. Financial statement. When any individual acts as surety, he shall file with the Commission annually a financial statement verified by said surety showing the individual surety's personal assets, liabilities and net worth. The Commission may accept a verification of the financial statement in a format prescribed by the Commission.

4. Rate Applications

A. When any utility makes application for an increase in existing rates and charges, such application shall not be accepted for filing unless it contains the following information:

- 1) A statement of reason justifying need for proposed rate adjustment;
- 2) Most current available income and expense statement for the preceding twelve months;
- 3) Proposed rate schedule;
- 4) Test year proposed to be used;
- 5) Pro forma income and expense statement using proposed rates applied to proposed test year;
- 6) Balance sheet;

- 7) Depreciation schedule by categories of plant or average service lives;
- 8) Number of present and expected customers in the following twelve months;
- 9) Cost justification for proposed rates and charges, including tap fees; with attached schedules depicting labor costs, materials costs, and miscellaneous costs.
- 10) Filing or updating performance bond in accordance with 103-712.3.
- 11) Current or updated service area map;
- 12) Statement of total plant investment by categories; and,
- 13) Most recent letter of approval from the Department of Health and Environmental Control, dated not more than six (6) months prior to date of application; and
- 14) Customer bill form; and
- 15) Any other pertinent or relevant information determined necessary by the Commission.

B. When any utility makes application for establishment of service area and rates and charges, such application shall contain the following information:

- 1) Copy of articles of incorporation or partnership agreement;
- 2) Plat of proposed area to be served;
- 3) Copy of engineering plans and specifications designed or certified to be in accord with good engineering practices by a professional engineer registered in South Carolina;
- 4) Construction permit from the Department of Health and Environmental Control approving engineering plans and specifications;
- 5) Schedule of proposed rates and charges and cost justifications, including tap fees with attached schedules depicting labor costs, materials costs, and miscellaneous costs;
- 6) Number of customers proposed to be served and capacity of system;
- 7) Financial statement showing proposed plant investment by categories;
- 8) Depreciation schedule by categories of plant or average service lives;
- 9) Pro forma income and expense statement showing the effect of using the proposed rates based on plant capacity;
- 10) Filing of performance bond in accordance with 103-712.3.
- 11) Statement by a professional engineer that the system was built and installed according to plans and specifications on file with the Commission and will furnish adequate service for the area to be served.
- 12) Letter from Department of Health and Environmental Control approving system for operation, dated not more than six (6) months prior to date of application; and,
- 13) Customer bill form; and
- 14) Other pertinent or relevant information determined necessary by the Commission.

103-713. Inspection of Plant and Equipment.

A. Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, facilities, and service in such form as the Commission may require.

B. Each utility shall keep sufficient records to give evidence of compliance with its inspection program as set forth in Subarticle 6, 103-760 et seq.

103-714. Interruption of Service.

A. Each utility shall keep a record of any condition resulting in any interruption of service affecting its entire system or major division thereof, or any single community or an important division of a community, including a statement of the time, duration, and cause of any such interruption. The Commission should be notified of any interruption lasting more than six hours as soon as it comes to the attention of the utility and a complete report will be made after restoration of service.

B. Each utility shall make all reasonable efforts to prevent interruptions of service and, when such interruptions occur, shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Scheduled interruptions shall always be preceded by

adequate notice to all affected customers, and will be made at a time that will not cause unreasonable inconvenience to customers.

C. All Water Utilities under the jurisdiction of the Commission shall file with the Commission in writing a notice of any violation of PSC or DHEC rules which affect the service provided to its customers. This notice shall be filed within 24 hours of the time of the inception of the violation and shall detail the steps to be taken to correct the violation, if violation is not corrected at time of occurrence. The Company shall notify the Commission in writing within 14 days after the violation has been corrected.

103-715. Accidents.

Each utility shall, as soon as possible, report to the Commission each accident happening in connection with the operation of its property, facilities, or service, wherein any person shall have been killed or seriously injured or whereby any serious property damage shall have been caused. Such first report shall later be supplemented by as full a statement as is possible of the cause and details of the accident and the precautions, if any, which have been taken to prevent similar accidents.

103-716. Complaints.

Complaints by customers concerning the charges, practices, facilities, or services of the utility shall be investigated promptly and thoroughly. Each utility shall keep a record of all such complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

103-717. Meter History Records.

Each utility shall maintain records of the following data, where applicable, for each meter until retirement:

- A. The complete identification-manufacturer, number, type, size, capacity, multiplier, and constants.
- B. The dates of installation and removal from service together with the locations.

103-718. Meter Test Records and Reports.

Each utility shall maintain records of at least the last two tests made of any meter. The records of the meter test made at the time of the meter's retirement shall be maintained for a minimum of three years. Test records shall include the following:

- 1) The date and reason for the test;
- 2) The reading of the meter before making any test;
- 3) The accuracy "as found" at each rate of flow;
- 4) The accuracy "as left" at each rate of flow; and,
- 5) In the event tests of the meter are made by using a standard meter the utility shall retain all data taken at the time of the test in sufficiently complete form to permit the convenient checking of the test methods and calculations.

103-719. Accounting Procedures.

All books and records of the utility shall be maintained in accordance with the NARUC Uniform System of Accounts for Class A, B and C Water Utilities to the extent applicable, and such records must be made available for examination by the Commission or its authorized representatives at all reasonable hours. Full cooperation will be provided by the utility during rate adjustment audits or compliance audits conducted by the Commission or its representatives.

SUBARTICLE 3.

METERS

103-720. Meter Requirements.

Service shall be measured by meters furnished by the utility, unless otherwise ordered by the Commission and such meters shall maintain the degree of accuracy as set forth in 103-722.

103-721. Meter Readings.

Each water meter shall indicate clearly the unit of water registered by such meter. Where the quantity of water is determined by calculation from recording devices, the utility shall supply the consumer with such information as will make clear the method by which the quantity is determined.

1. Meter Reading Sheets or Cards. The meter reading sheets or cards shall show:

- (a) Customer's name, address and rate classification;
- (b) Identifying number and/or description of the meter(s);
- (c) Meter readings;
- (d) Multiplier, if any; and,
- (e) If the reading has been estimated.

103-722. Meter Accuracy and Condition.

A. Installation Test--Every water meter, whether new or repaired, shall be in good order and shall be correct to within three (3) per cent. However, a utility which has less than one thousand customers and which has no facilities for opening meter cases and adjusting the mechanism, may put a meter back into service if it is not found to be in error by more than three and one-half (3 1/2) per cent and appears otherwise to be in good order.

B. Method of Testing--All tests to determine the accuracy of registration of any water service meter shall be made with a suitable meter prover, and records of all regular or complaint tests shall be kept by the utility.

No meter shall be installed which is mechanically defective. The capacity of the meter and the index mechanism should be consistent with the water requirements of the customer.

103-723. Meter Seal.

Immediately after the pre-installation test or field test of a water meter the utility shall affix a seal in such a manner that the meter cannot be tampered with without breaking the seal.

103-724. Meter Location.

A. All meters will be furnished, installed, owned, and maintained by the utility, and shall remain its property and be accessible to and subject to its control. Meters shall be located in accordance with good utility practices on the delivery side of the curb stop so as to control the entire water supply furnished to the premises. No meter shall be installed in any location on or off the premises where it may be unreasonably exposed to heat or cold or other cause of damage, or in an inaccessible or hazardous location.

B. Where water is furnished to the customer in accordance with a flat rate, the utility may install and maintain a meter located in accordance with good utility practices. After all customers in the utility's service area have been metered, the utility may make application to the Commission to obtain approval to change from a flat rate to a metered rate. Upon such application, the Commission will conduct an investigation to determine if a utility should utilize meters and, after hearing, may order the use of metered rates. If no meters are in place, the Commission upon its own motion, and after hearing, may order the installation of meters and the implementation of a metered rate.

C. The utility shall make available to the customer sketches of standard meter installations to demonstrate the way in which the customer's portion of the installation should be made.

D. In the event the customer desires any change in the location or position of the meter, meter box or vault, after they have been installed, such change in location shall be made by the utility at the expense of the customer.

103-725. Change in Character of Service.

In order that the utility may provide a proper service facility and metering installation the customer shall advise the utility of the expected service requirements sufficiently in advance of the date service is required, and shall also advise the utility of any significant increase or decrease in service needs in sufficient time to change service facilities.

103-726. Meter Damage.

Meters will be maintained by the utility so far as ordinary wear and tear are concerned. When a meter is designed for and located within a building or structure on the premises, the customer shall pay for all damages due to external causes or heat or cold. When the meter or meter box is damaged by the customer, the customer shall pay for damages pursuant to R.103-733.5.

The customer shall notify the utility of any damage to or improper functioning of the meter as soon as the customer becomes aware of it.

SUBARTICLE 4.

CUSTOMER RELATIONS

103-730. Customer Information.

Each utility shall:

A. Maintain up-to-date maps, plans, or records of its entire transmission and distribution systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving customers within its operating area.

B. Notify each affected customer in writing as prescribed by the Commission of any proposed change in rates and charges. A certification that the above notice requirements has been met shall be furnished the Commission by the utility prior to the public hearing.

C. Provide that a complete schedule, contract forms, rules and regulations, etc., as filed with the Commission, shall also be on file in the local offices of the utility and shall be open to the inspection of the public.

D. Upon request, inform its customers as to the method of reading meters and as to billing procedures, and shall assist prospective customers in selecting the most economical rate schedule applicable.

E. Provide adequate means (telephone, etc.) whereby each customer can contact an authorized representative of the utility at all hours in cases of emergency or unscheduled interruptions of service.

F. Notify any customer making a complaint pursuant to 103-716 that remains unresolved after seven days, that the utility is under the jurisdiction of the Commission and the customer may notify the Commission of the complaint. This shall not preclude customer from making complaints to the Commission at any time.

G. Inform each prospective customer from whom a deposit may be required of the provisions contained in 103-731 and its subsections.

H. Inform each prospective customer that the customer's service line shall conform to all local plumbing codes, and in the absence of such codes shall conform to the Southern Standard Plumbing Codes.

103-731. Customer Deposits.

Each utility may require from any customer or from any prospective customer, a deposit intended to guarantee payment of bills for service, if any of the following conditions exist:

(a) The customer's past payment record to a water utility shows delinquent payment practice, i.e. the customer has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months or,

(b) A new customer cannot furnish either a letter of good credit from a reliable source or an acceptable cosigner to guarantee payment, or

- (c) A customer has no deposit, and presently is delinquent in payments (i.e., the customer has had two consecutive 30-day arrears, or more than two non-consecutive 30-day arrears, in the past 24 months), or
- (d) A customer has had his service terminated for nonpayment.

103-731.1. Amount of Deposit.

- A. A maximum deposit may be required up to an amount equal to an estimated two (2) months (60 days) bill for a new customer or a maximum deposit may be required up to an amount equal to the total actual bills of the highest two (2) consecutive months based on the experience of the preceding twelve (12) months or portion of the year, if on a seasonal basis.
- B. All deposits may be subject to review based on the actual experience of the customer. The amount of the deposit may be adjusted upward or downward to reflect the actual billing experience and payment habits of the customer.

103-731.2. Interest on Deposits.

- A. Simple interest on deposits at the rate as determined by Commission Order shall be paid by the utility to each customer required to make such deposit for the time it is held by the utility, provided that no interest need be paid unless the deposit is held longer than six months.
- B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two (2) years and at the time the deposit is returned.
- C. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

103-731.3. Deposit Records.

Each utility shall keep a record to show:

- (a) The name and address of each depositor;
- (b) The amount and date of the deposit; and,
- (c) Each transaction concerning the deposits.

103-731.4. Deposit Receipt.

Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish his claim if his receipt is lost.

103-731.5. Deposit Retention.

Deposits shall be refunded completely with interest after two years unless the customer has had two consecutive 30-day arrearages, or more than two non-consecutive 30-day arrearages, in the past 24 months.

103-731.6. Unclaimed Deposits.

A record of each unclaimed deposit must be maintained for at least two years during which time the water utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the South Carolina Tax Commission as prescribed by law.

103-731.7. Deposit Credit.

Where a customer has been required to make a deposit, this shall not relieve the customer of the obligation to pay the service bills when due. Where such deposit has been made and service has been discontinued for reason of non-payment of bill, a utility shall apply the deposit of such customer toward the discharge of the customer's account and shall as soon thereafter as practicable refund the customer any excess of the deposit. If however, the customer whose service has been disconnected for non-payment, pays the full amount on his account within 72 hours after service has been disconnected and applies for reconnection, the utility may not charge an additional deposit except under the provisions of 1 of this rule.

103-732. Customer Billing.

The utility shall bill each customer as promptly as possible following the reading of his meter.

103-732.1. New Service.

Meters shall be read at the initiation and termination of any service and billing shall be based thereon.

103-732.2. Customer Bill Forms.

The bill shall show:

- (a) The reading of the meter at the end and beginning of the period for which the bill is rendered;
- (b) The date on which the meter was read;
- (c) The number and kind of units metered;
- (d) The applicable rate, schedule, or identification of the applicable rate schedule. If the actual rates are not shown, the bill shall carry a statement to the effect that the applicable rate schedule will be furnished on request;
- (e) Total amount due;
- (f) A distinct marking to identify an estimated bill;
- (g) Any conversions from meter reading units to billing units or any calculations to determine billing units from recording or other devices, or any other factors used in determining the bill. In lieu of such information on the bill, a statement must be on the bill advising that such information can be obtained by contacting the utility's principal office;
- (h) Number of days for which bill is rendered;
- (i) Date payments due;
- (j) Date of bill.
- (k) Telephone number where utility can be contacted during regular office hours and non-office hours.

103-732.3. Late Payment Charges.

A maximum of one and one-half percent (1 1/2 %) may be added to any unpaid balance not paid within 25 days of the billing date to cover the cost of collection and carrying accounts in arrears. This method of late payment charge will be made in lieu of any other penalty.

103-732.4. Payment by Check.

The utility at its option for good cause may refuse to accept a check tendered as payment on a customer's account, and require payment in cash.

103-732.5. Charges for Discontinuance and Reconnection.

Whenever service is turned off for violation of rules and regulations, nonpayment of bills, or fraudulent use of service, the utility may make reasonable charges to be approved by the Commission for the cost incurred in discontinuing the service and reconnection and require payment for service billed and for service used which has not previously been billed.

103-732.6. Estimated Bills.

No utility shall send a customer an estimated bill, except for good cause, when the meter could not be read or was improperly registering. In no instance will more than one estimated bill be rendered within a 60-day period, unless otherwise agreed to by the customer.

103-732.7. Deferred Payment Plan.

The utility shall provide for the arrangement of a deferred payment plan to enable a residential customer to make payment by installments where such customer is unable to pay the amount due for water service. The deferred payment plan shall require the affected customer to maintain his account current and pay not less than 1/6 of the outstanding balance for a period not to exceed six months. The outstanding balance

may include the late payment charge authorized by R.103-732.3. Service to such customer shall not be terminated unless the utility has informed the customer that such deferred payment plan is available. A deferred payment plan is any agreement to extend or defer a payment cut-off date by more than 5 work days. If a Customer defaults on a Deferred Payment Plan, the Utility may terminate service pursuant to 103.735 (H).

103-733. Adjustments of Bills.

If it is found that a utility has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such utility than that prescribed in the approved rate schedules of such utility, then filed in the manner provided in Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from a utility for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

103-733.1. Fast or Slow Meters.

If the overcharge or undercharge is the result of a fast or slow meter, then the method of compensation shall be as follows:

- (a) In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, as specified in 103-760(B).
- (b) In the event that the meter so tested is found to have an error in registration of more than three (3) per cent, the bills will be increased or decreased accordingly, but in no case shall such a correction be made for more than sixty (60) days or two (2) billing periods, whichever is greater, prior to determination of meter error.

103-733.2. Customer Inadvertently Overcharged.

If the utility has inadvertently overcharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human or machine error, except as provided in 1 of this rule, the utility shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed as provided by the following:

- (a) If the interval during which the customer was overcharged can be determined, then the utility shall credit or refund the excess amount charged during that entire interval provided that the applicable statute of limitations shall not be exceeded.
- (b) If the interval during which the customer was overcharged cannot be determined, then the utility shall credit or refund the excess amount charged during the 12-month period preceding the date when the billing error was discovered.
- (c) If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the refund shall be based on an appropriate estimated usage and/or demand.

103-733.3. Customer Inadvertently Undercharged.

If the utility has undercharged any customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any human or machine error, except as provided in 1 and 5 of this rule, then the utility may recover the deficient amount as provided as follows:

- (a) If the interval during which a customer was undercharged can be determined, then the utility may collect the deficient amount incurred during that interval up to a maximum period of six months.
- (b) If the interval during which a customer was undercharged cannot be determined, then the utility may collect the deficient amount incurred during the six-month period preceding the date when the billing error was discovered by the utility.

(c) The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

(d) If the usage and/or demand incurred by that person during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on estimated usage and/or demand. If a meter has ceased to register, the adjustment shall be based on the average registration of the meter over a six-month period when in order.

103-733.4. Customer Willfully Overcharged.

If the utility has willfully overcharged any customer, the utility shall refund the difference, plus interest, as prescribed by the Commission for the period of time that can be determined that the customer was overcharged.

103-733.5. Customer Undercharged Because of Fraud or Willful Misrepresentation.

If the utility has undercharged any customer because of the customer's fraudulent actions, such as tampering with, or by-passing the meter, or because the customer has willfully misrepresented a material fact resulting in an undercharge, or if it is shown that the customer is aware of fraudulent or illegal action by another person, such as tampering with, or bypassing the meter and it is evident that such tampering or bypassing benefits the customer, or if it is evident that a customer has knowledge of being undercharged without notifying the utility as such, then notwithstanding 1 of this rule, the utility shall recover the deficient amount provided as follows:

(a) If the interval during which the customer was undercharged can be determined, then the utility shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.

(b) If the interval during which the customer was undercharged cannot be determined, then the utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the utility.

(c) If the usage and/or demand incurred by that customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

(d) In addition to the above, if the metering equipment has been removed or damaged, then the utility shall collect the estimated cost of repairing and/or replacing such equipment.

103-734. Applications for Service.

A. All applications for water service may be made orally or in writing.

B. The accepted application shall constitute a contract between the company and the applicant, obligating the applicant to pay for water service in accordance with the utility's tariff currently on file with the Public Service Commission, and to comply with these rules and regulations.

C. When a customer desires to have his service terminated, he must notify the utility and such notification may be orally or in writing. The utility shall be allowed a reasonable period of time after the receipt of such notice to take a final reading of the meter and to discontinue service.

103-735. Denial or Discontinuance of Service.

Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the customer shall be allowed a reasonable time in which to comply with the rule before service is discontinued.

A. Without notice in the event of a condition determined by the utility to be hazardous or dangerous.

B. Without notice in the event of customer use of equipment or service in such a manner as to affect adversely the utility's service to others.

C. Without notice in the event of unauthorized use of the utility's service.

- D. For customer tampering with equipment furnished and owned by the utility. The customer shall make every reasonable effort to prevent tampering, and shall notify the utility immediately of any tampering with, damage to, or removal of any equipment.
- E. For violation of and/or non-compliance with the Commission's regulations governing service supplied by the utility.
- F. For failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the Commission.
- G. For failure of the customer to permit the utility reasonable access to its equipment.
- H. For failure of the customer to provide the utility with a deposit as authorized by 103-731.
- I. For failure of the customer to furnish permits, certificates, and rights-of-way as necessary to obtaining service, or in the event such permissions are withdrawn or terminated.
- J. For illegal willful misuse of utility's service by the customer.
- K. For failure of the customer to comply with reasonable restrictions on the use of water, as imposed under 103-772 provided that notice has been given to the customer and that written notice has been furnished to the Commission.
- L. No water utility shall be required to furnish its water service or to continue its service to any applicant who, at the time of such application, is indebted or any member of his household is indebted, under an undisputed bill to such water utility for water service previously furnished such applicant or furnished any other member of the applicant's household. However, for the purposes of this regulation, the water utility may not consider any indebtedness which was incurred by the applicant or any member of his household more than six (6) years prior to the time of application.
- M. The utility may discontinue a customer's service should that customer be in arrears on an account for service at another premise, unless the customer pays a reasonable amount of his arrears account and makes reasonable arrangements with the utility to amortize the balance of such past-due account over a reasonable length of time, not to exceed 12 months.
- N. The customer's use of the utility's service conflicts with, or violates order, ordinances or laws of the State, or any subdivision thereof or the Commission.

103-735.1. Procedures for Termination of Service.

(A) Service may be terminated for non-payment of a bill, provided that the telephone utility has made a reasonable attempt to effect collection and has given the customer written notice, sent by regular mail to the customer's billing address, that he has ten days in which to make settlement on his account or have his service disconnected. Service will be terminated only on Monday through Thursday between the hours of 8:00 A.M. and 4:00 P.M., unless provisions have been made to have someone available to accept payment and reconnect service.

(B) Service may be terminated for non-payment of any connection charge properly imposed by the utility and owed by the customer provided that the utility has made a reasonable attempt to effect collection and has given the customer 30 days written notice, sent by certified mail to the customer's billing address, with a copy forwarded to the Commission. A connection charge owed by a third party or a previous occupant or owner of premises is not deemed to be owed by the current customer, and that current customer's service may not be disconnected under such circumstances. At the expiration of the 30 day period, the utility shall post a second notice by certified mail to the customer advising that in not less than 10 days nor more than 30 days, his service may be disconnected at any time without further notice.

103-736. Insufficient Reasons for Denying Service.

The following shall not constitute cause for refusal of service to a present or prospective customer:

- A. Non-payment for service by a previous occupant of the premises to be served, unless such previous occupant shall benefit from such new service.
- B. Failure to pay for merchandise purchased from the utility.
- C. Failure to pay for a different type or class of public utility service.
- D. Failure to pay the bill of another customer as guarantor thereof.

103-737. Right of Access.

1. The authorized agents of the utility shall have the right of access to the premises supplied with water, at reasonable hours, for the purpose of maintenance and reading of meters, examining fixtures, protective device and pipes, observing the manner of using water, and for any other purpose which is proper and necessary in the conduct of the utility's business.

2. When a water line which is property of a utility is on the property of a resident in the utilities' service area which is on file with the Commission, the resident shall provide reasonable access to the utility for the maintenance thereof. Any damage done to the property by the utility shall be corrected by the restoration of comparable grass, shrubbery and trees from nursery stock to conform the condition before the maintenance process began.

103-738. Customer Complaints.

A. Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep records of customer complaints as will enable it and the Commission to review and analyze its procedures and actions. All customer complaints shall be processed by the utility pursuant to 103-716 and 103-730.F.

B. When the Commission has notified the utility that a complaint has been received concerning a specific account and the Commission has received notice of the complaint before service is terminated, the utility shall not discontinue the service of that account until the Commission's investigation is completed and the results have been received by the utility.

103-739. Tariffs, Rules and Regulations.

A copy of the utility's tariffs as filed with this Commission shall be on file in the local business offices of the utility and shall be available for public inspection.

103-740. System Which Utility Must Maintain.

Each utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper conditions all of its facilities and equipment used in connection with the services it provides to any customer up to and including the point of delivery into systems or facilities owned by the customer.

103-741. Replacement of Meters.

Whenever a consumer requests the replacement of a service meter on his premises, such request shall be treated as a request for the test on such meter, and as such shall fall under the provisions of 103-760(B).

103-742. Waste of Water.

The customer should maintain his service pipe and all piping and fixtures on or in the building so that any loss of water through leakage is kept to a reasonably small amount. If the leakage becomes excessive, then it may be treated as a willful waste of water. Unnecessary or excessive use of water may be treated as a willful waste of water.

103-743. Contracts.

No utility shall execute or enter into any agreement or contract with any person, firm, partnership, or corporation or any agency of the Federal, state, or local government which would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide water service, including but not limited to the treatment of said water, without first submitting said contract in form to the Commission and obtaining approval of the Commission.

SUBARTICLE 5.

ENGINEERING

103-750. Requirement for Good Engineering Practice.

A. The water plant of the utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice and regulations included to assure as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

The design and construction of the water plant shall conform to the requirements of the South Carolina Department of Health and Environmental Control.

B. Disinfection of facilities. All new mains, pumps, tanks, wells and other facilities for handling potable water, repaired mains and other facilities, shall be thoroughly disinfected before being connected to the system. The method of disinfection shall be as approved by the Department of Health and Environmental Control.

1. Mains.

A. Depth of Mains. Water mains should be installed below the frost line or be otherwise protected to minimize the possibility of freezing and shall not have less than 30 inches cover except where it is necessary to avoid underground obstruction or rocky or hardpan conditions where such depth is not feasible, provided such deviation is approved by the Department of Health and Environmental Control.

B. Dead Ends. The utility should design its distribution system so as to avoid dead ends in mains. Where dead ends cannot be avoided the mains shall be flushed as often as necessary to maintain the proper quality of the water. Any dead end which is longer than 200 feet must have a blowoff valve at end of line.

C. Segmentation of System. Valves shall be provided at reasonable intervals in distribution mains so that in case of breaks or repairs a minimum number of customers will be affected. When feasible, valves shall be provided at intersections of mains and in the mains at intervals not to exceed one continuous block or 500 feet, whichever is greater, except where a dead end run is not intended to serve any intervening customers.

D. Grid Systems. The distribution system should be laid out in a properly segmented grid so that in case of breaks or repairs a minimum number of customers will be affected.

E. Minimum Pipe Sizes. This distribution system shall be of adequate size and designed to maintain the pressures within the range required by 103-774. The pipe used in the system should be at least 4 inches in size. In special cases, pipes of the sizes listed below may be installed. However, the maximum length from any connecting main at least 4 inches in size should not exceed the following:

| | |
|-------------------|-----------|
| 1-inch | 150 feet |
| 1 1/2 -inch | 300 feet |
| 2-inch | 1500 feet |

103-751. Acceptable Standards.

Unless otherwise specified by the Commission, each utility shall use the guideline of the Department of Health and Environmental Control as minimum standards of good engineering practices.

103-752. Acceptable .

Unless otherwise specified by the Commission, the utility shall use the applicable provisions in the publications listed below as operational requirements, where applicable, and standards of accepted good practice.

- (a) Community Water Systems 5th Edition Ameen
- (b) Manual of Individual Water Systems E.P.A. No. 430

103-753. Adequacy of Service.

The source of supply and transmission facilities, and/or production and/or storage capacity of the utility's plant, must be sufficiently large to meet all reasonably expectable demands for service.

103-754. Inspection of Utility Plant.

Each utility must adopt a program of inspection of its plant in order to determine the necessity for replacement and repair. The frequency of the various inspections shall be based on the utility's experience and accepted good practice.

103-755. Temporary Service.

When the utility renders temporary service to a customer, it may require that the customer bear all the cost of installing and removing the service in excess of any salvage realized.

103-756. Engineering Analysis.

A. The Commission or its authorized representatives may survey anticipated extensions of water line and the utility will assist in such survey and provide all pertinent data necessary to determine cost and feasibility of extending such lines.

B. The utility shall assist in the verification of tests of water meters made by Public Service Commission engineers.

C. The utility shall provide the Commission and its representatives access to all utility property when the Commission undertakes to verify inventories of utility plant systems, or obtain other necessary information.

SUBARTICLE 6.

INSPECTION AND TESTS

103-760. Utility Inspections and Tests.

A. Each utility shall, unless specifically excused by the Commission, provide such laboratory, meter-testing equipment and other equipment and facilities as may be necessary to make the tests required of it by these rules or other orders of the Commission. The apparatus and equipment so provided shall be subject to the approval of the Commission, and it shall be available at all times for the inspection of any member or authorized representative of the Commission.

B. Upon request by a customer and at no charge, the utility shall make a test of the meter serving him, provided that such tests need not be made more frequently than once in 24 months.

1) The customer, or his representative, may be present when his meter is tested.

2) A report of the results of the test shall be made to the customer within a reasonable time after the completion of the test, and a record of the report, together with a complete record of each test, shall be kept on file at the office of the utility.

103-761. Commission Inspection and Tests.

The Commission shall make tests of meters as follows:

(a) Upon written application to the Commission by a customer or a utility, a test will be made of the customer's meter as soon as practicable.

(b) On receipt of such request the Commission will notify the utility and the utility shall not knowingly remove or adjust the meter until instructed by the Commission. The utility shall furnish to the Commission's representative such reasonable assistance as may be required to make the test.

(c) The customer, or his representatives, may be present when his meter is tested.

(d) The Commission will make a written report of the results of the test to the customer and to the utility.

103-762. Test Procedures and Accuracies.

Method of Testing. All tests to determine the accuracy of registration of any water service meter shall be made with a suitable meter prover, and records of all regular or complaint tests shall be kept in the files of the utility.

103-763. Facilities and Equipment for Testing.

Each utility shall maintain or designate a meter shop for the purpose of inspecting, testing and repairing meters. The shop shall be open for inspection by authorized representatives of the Commission at all reasonable times, and the facilities and equipment, as well as the methods of measurement and testing employed, shall be subject to the approval of the Commission. The accuracy of the test equipment and test procedures shall be such that the overall error will not exceed 0.3 of 1%.

1. Working Standards.

A. Each meter shop maintained or designated by a utility shall have at least one calibrated tank available for volumetric measurement or a tank mounted upon scales for weight measurement. The tank shall be of sufficient capacity to insure an acceptable determination of the accuracy of the utility's meters.

B. The utility may use a portable test meter, approved by the Commission for use as a standard, for the purpose of testing meters.

C. Reasonable care must be exercised in the use and handling of standards to assure that their accuracy is not disturbed. Each standard shall be accompanied at all times by a certificate or calibration card, duly signed and dated, on which are recorded the corrections required to compensate for errors found at the customary test points at the time of the last previous test.

2. Meter Prover. The accuracy of all provers and methods of operating them will be established from time to time by a representative of the Commission. All alterations, accidents, or repairs which might affect the accuracy of any meter prover or the method of operating it shall be promptly reported in writing to the Commission.

SUBARTICLE 7.

STANDARDS AND QUALITY OF SERVICE

103-770. Quality of Service.

A. Each utility shall provide water that is potable and, insofar as practicable, free from objectionable odor, taste, color and turbidity. Each utility must have a permit as required by the health laws of the State of South Carolina, and shall comply with all laws and regulations of State and local agencies pertaining to water service.

B. Water Supply.

1) The source of supply shall be:

(a) Free from pollution, unless the water is subsequently purified by treatment.

(b) Adequate to provide a continuous supply of water.

(c) Of such quality as to meet the standards of the South Carolina Department of Health and Environmental Control.

2) Operation of supply system.

(a) The water supply system, including wells, reservoirs, pumping equipment, treatment and filtration works, mains, meters, and service pipes shall be free from sanitary defects.

(b) Any physical connection between the distribution system of a public water supply and that of any other water supply must comply with the regulations of the South Carolina Department of Health and Environmental Control.

C. Testing of Water. Each utility shall have representative samples of the water supplied by it examined by the responsible State or local agencies, or by an approved water laboratory, at intervals specified by those agencies in accordance with the standards of the South Carolina Department of Health and Environmental Control.

103-771. Interruptions of Service.

A. Each utility shall make reasonable efforts to avoid interruptions of service, but when interruptions occur, service shall be re-established within the shortest time practicable, consistent with considerations of safety.

B. Scheduled interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded by adequate notice to those who will be affected.

C. Each utility shall maintain records and notify the Commission of any interruption in its service in accordance with 103-714.

D. If an interruption affects the service of any public fire protection system, the utility shall immediately notify the public official responsible for fire protection.

E. When the system pressure is provided through mechanical means, emergency standby pumping equipment or other adequate facilities shall be available to maintain pressure in the mains in the event of failure of the primary pumping facilities.

103-772. Restrictions of the Use of Service.

A. The utility may impose reasonable restrictions on the outdoor use of water during period of shortage of supply, excessive demand or other difficulty which jeopardizes the supply of water to any group of customers.

B. The utility may impose reasonable restrictions on the use of water by customers who use large quantities of water and thereby create conditions which prevent the company from supplying satisfactory service to that customer, or to other customers.

C. If a utility finds that it is necessary to restrict the use of water, it shall notify the customers, and give the Commission written notice before such restriction becomes effective, except in the event of an emergency, when such notification may be made by telephone. Such notifications shall specify:

1) The reason for the restriction.

2) The nature and extent of the restriction, (e.g., on outdoor use of water, use by certain classes of customers, etc.).

3) The date such restriction is to go into effect.

4) The probable date of termination of such restriction.

103-773. Pressure Tests.

A. Each utility having more than 100 customers must have at least one portable recording pressure gauge available.

B. Pressure measurements should be made at the customer's meter, or if no meter, customer's curb stop. If no outlet is available at this point, then the measurement may be made at the nearest available outlet, making due allowance for any pressure differential between the point of measurement.

C. Each utility shall make a sufficient number of pressure measurements in order to determine if pressures throughout the system are in compliance with the requirements of 103-774.

D. Each utility shall keep records of each test of pressures. These records shall include, as a minimum, the date, time, and location where the test was conducted. Pressure records shall be retained by the utility for at least two years and shall be made available for inspection by the Commission at all reasonable times.

103-774. Pressure Limits.

A. Under normal conditions of use of water, the pressure at a customer's service connection shall be:

1) Not less than 25 psig; and,

2) Not more than 125 psig.

B. Pressure outside the limits specified will not be considered a violation when the variations:

1) Result from the action of the elements.

2) Consist of infrequent fluctuations not exceeding five minutes' duration.

3) Arise from service interruptions.

4) Result from causes beyond the control of the utility.

5) Result from variations in service elevations which are local and which can be controlled in a satisfactory manner.

SUBARTICLE 8.

SAFETY

103-780. Acceptable Standards.

As criteria of accepted good safety practice the Commission will use the applicable provisions of the standards referred to in 103-751.

103-781. Protective Measures.

A. Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

B. The utility shall give reasonable assistance to the Commission in the investigation of the cause of accidents and in the determination of suitable means of accident prevention.

C. Each utility shall maintain a summary of all reported accidents arising from its operations.

103-782. Safety Program.

Each utility shall devise and implement a safety program, adapted to the size and type of its operations. At a minimum, the safety program should:

(a) Require the employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(b) Instruct employees in safe methods of performing their work.

(c) Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

ARTICLE 8.

PRACTICE AND PROCEDURE

SUBARTICLE 1.

GENERAL

103-800. Authorization.

A. In accordance with provisions of law, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern the practice and procedures of parties before it, effective December 31, 1976. All previous rules or standards of practice and procedure are hereby revoked, annulled and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or in part, or from making additions thereto, pursuant to provisions of law, upon petition of a proper party or upon its own motion.

C. The adoption of these rules of practice and procedure shall not relieve either the Commission or any party participating in proceedings before it of any duties prescribed under the laws of this State.

103-801. Jurisdiction.

These rules shall apply to any individual, firm, partnership, association, establishment, corporation, or governmental subdivision which participates before the Public Service Commission in formal or informal proceedings.

103-802. Purpose of Rules.

These rules are intended to define standards of proper practice before the Public Service Commission. They are intended to insure that all parties participating in proceedings before the Commission will be accorded the procedural fairness to which they are entitled by law. These rules are further intended to promote efficiency in, and certainty of, the procedures and practices herein adopted. All parties participating in proceedings before the Commission shall assist the Commission in the implementation of these rules and regulations.

103-803. Waiver of Rules.

In any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, the application of such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.

103-804. Definitions.

The following words and terms, when used in the context of these rules and regulations, shall have the meanings indicated.

A. Commission and Commissioner. The South Carolina Public Service Commission and a Commissioner thereof, respectively.

B. Presiding Officer. A Commissioner duly designated or a hearing examiner, appointed and duly designated by the Commission, who presides at proceedings before the Commission.

C. Hearing Examiner. A member of the Commission staff, duly appointed and designated by the Commission to serve as a presiding officer for a formal proceeding before the Commission, and so serving as a presiding officer.

D. Staff Counsel. Legal Counsel of the Commission and Commission Staff.

E. Proceeding. The general process of the Commission's determination of the relevant facts and the applicable law, the consideration thereof and the action thereupon in regard to a particular subject matter within the Commission's jurisdiction, initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause or by the receipt of oral or written communication by the staff. A proceeding may be formal or informal.

F. Pleading. Any document filed in a proceeding before the Commission, including complaint, answer, application, protest, motion (other than an oral motion made at a formal proceeding) or petition.

G. Formal Record. The documentation pertaining to a proceeding before the Commission, including the following: the designation of the presiding officer; proofs of publication and notification; all pleadings and intermediate rulings; the transcript or official recording of hearing which shall include all evidence received or considered; a statement of matters officially noticed; all questions and offers of proof, objections and rulings thereof; proposed findings and exceptions, if any; any decision, opinion or report by the presiding officer; all staff memoranda or data submitted to the hearing officer or members of the Commission in consideration of a proceeding; and the order making final disposition of the matter.

H. Person. Any individual, partnership, corporation, association, establishment, governmental subdivision, or public or private organization of any character.

I. Party. Any person named or admitted by the Commission as a party to a formal or informal proceeding before the Commission, or properly seeking and entitled as of right to be admitted as a party to a formal or informal proceeding before the Commission.

J. Party of Record. A party in a formal proceeding before the Commission who is entitled to receive all documentary materials, pleadings, orders or other dispositions of matters relevant to the proceeding. Parties of record will include applicants, complainants, defendants, respondents, and intervenors. Parties of record may file a petition for rehearing of Commission orders, pursuant to R. 103-880 et seq. The Commission staff shall be considered a party of record for the purposes of filing and receipt of pleadings and documentary materials, data requests, and for the conduct of formal proceedings.

K. Applicant. A party on whose behalf an application is made to the Commission for any permission or authorization which the Commission may grant pursuant to statutory or other proper authority.

L. Complainant. A party who complains to the Commission of anything done, or omitted to be done, in contravention or violation of the provisions of any statute or other delegated authority administered by the Commission, or of any order, rule or regulation issued or promulgated thereunder, or any other alleged wrong within the jurisdiction of the Commission.

M. Intervenor. A party who files a petition to intervene in a proceeding before the Commission, as provided by R. 103-836, and after such petition is approved by the Commission or presiding officer. Admission as an intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved by any order of the Commission in such proceeding.

N. Protestant. A party objecting on the ground of private or public interest to the approval of an application, petition, motion or other matter which the Commission may have under consideration. A protestant may offer sworn testimony without the privilege of cross-examination of witnesses offered by other parties. A protestant desiring to become an intervenor in a proceeding before the Commission may file a petition for intervention.

O. Respondent. A party subject to any statute or other delegated authority administered by the Commission to whom an order, notice or rule to show cause is issued by the Commission instituting an investigation or a proceeding.

P. Defendant. A party subject to statute or other delegated authority administered by the Commission, or any order, rule or regulation issued or promulgated thereunder, against whom any complaint is filed.

Q. Petitioner. A party seeking relief from the Commission, and not otherwise designated herein.

R. Appearance. The act of offering sworn testimony in a formal proceeding before the Commission.

S. Representation.

(1) The act of serving as counsel for a party, or of serving as the authorized representative of a party, in a proceeding before the Commission. Representation of a party of record in a formal proceeding shall include the right to offer evidence on behalf of the party represented and to cross-examine witnesses offered by other parties. Representation of a party other than a party of record in a formal proceeding shall consist of the right to offer evidence on behalf of the party represented without cross-examination of witnesses offered by other parties. Those persons who may act in a representative capacity are the following:

(a) An individual may represent himself or herself in any proceeding before the Commission.

(b) An attorney authorized to practice law in the State of South Carolina may represent a party in any proceeding before the Commission. An attorney not authorized to practice before the courts of the State of South Carolina but authorized to practice before the courts of any other State may represent a party in any formal proceeding before the Commission upon association with an attorney admitted to practice before the courts of South Carolina.

(2) All persons acting in a representative capacity before the Commission shall be subject to any limitation imposed by statute or other proper authority.

T. Order. A written decision or opinion issued by the Commission representing the whole or any part of the disposition (whether affirmative, negative, injunctive or declaratory in form) of a formal proceeding before the Commission.

U. Rule. The whole or any part of a Commission statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure or practice requirements of the Commission.

V. Rulemaking. The Commission process for the formulation, amendment or repeal of a rule.

W. Rule to Show Cause. An order issued by the Commission instituting a formal proceeding against a person under the Commission's statutory authority. Such rule shall set forth the grounds for such action, and will contain a statement of the particulars and matters concerning which the Commission seeks to inquire and which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision of the Commission in the proceeding. Such rule shall require that the respondent named respond in writing, as the Commission may direct.

X. Data Request.

(1) A written request for information made by Commission staff and directed to another party or parties in the same proceeding. The Commission staff shall be considered a party for the submission and receipt of data requests.

(2) The Commission staff shall submit the original and two copies of the data request to the Executive Director who shall send a copy to the party from whom the information is sought. The staff shall mail a copy of the data request to each party of record in the proceeding.

(3) The date for response to data requests shall be established therein and shall depend upon the nature, complexity and quantity of information sought and the scheduled hearing date. A data request may not be submitted less than ten (10) days prior to the hearing date set for a formal proceeding.

(4) Submission of a data request less than ten (10) days prior to a hearing or during the course of a hearing may be made only by agreement of the parties or at the discretion of the Commission.

(5) A party to whom a data request is submitted and from whom a response is required may file written objections to any portion of the data request. Such written objections shall state clearly the number of the item of information sought and shall give a concise statement of the reasons for the objections. After consideration of the data request and the objections, the Commission will make a determination whether a complete response shall be required to the item or items to which objections were made.

Y. Public Records.

(1) Those official items of information within the files of the Commission which are available for inspection by the public. Public records include:

(a) Applications, complaints, petitions and other papers seeking Commission action;

(b) Financial, statistical and other reports to the Commission; rates and rate schedules; any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation;

(c) All pleadings, notices, depositions and formal records in proceedings before the Commission;

(d) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence;

(e) All Commission orders, notices, findings, opinions, determinations, and other actions in proceedings and all Commission minutes which have been approved and filed with the Executive Director;

(f) All Commission correspondence relating to any furnishing of data or information;

(g) Commission correspondence relating to the interpretation or applicability of any statute, rule, regulation or order issued or administered by the Commission and letters of opinion on those subjects signed by Staff Counsel and sent to others than the Commission, a Commissioner, or any of the Commission's staff;

(h) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees and mandates in court proceedings in which the Commission is a party and all correspondence with the Courts or clerks of court.

(2) The term Public Records does not include any information specifically exempted by statute or Commission order.

(3) Public Records are available for public inspection at the offices of the Commission, during the Commission's business hours. Copies of public records may be made available by the Executive Director for a reasonable charge.

Z. Notice of Filing.

(1) A statement prepared by the Executive Director upon the filing of a pleading which initiates a formal proceeding, and which is provided to the party submitting the pleading. The Notice of Filing shall be published pursuant to R. 103-821C and shall otherwise be processed according to the Commission's Rules and Regulations concerning specific persons within the Commission's jurisdiction.

(2) The Notice of Filing shall contain a brief description of the pleading, reference to the statutory or other legal authority under which the pleading was filed, and the manner in which interested persons may file petitions to intervene or protests, and the return date.

AA. Notice of Hearing.

(1) A statement prepared by the Executive Director which provides certain information relative to the public hearing scheduled in a formal proceeding before the Commission, and submitted to all parties in that proceeding. The Notice of Hearing shall be published, pursuant to applicable provisions of law.

(2) A Notice of Hearing shall include the following items of information:

(a) A statement of the date, time, and place of the public hearing;

(b) A reference to the legal authority under which the proceeding was instituted;

(c) A description of the subject and issues involved, and, in a rulemaking proceeding, the terms or substance of the proposed rule.

(3) At its discretion, the Commission may consolidate a Notice of Hearing with a Notice of Filing, and issue a Notice of Filing and Hearing, if the public interest so requires.

BB. Administrative Law Judge. An attorney appointed by the Commission and approved by the Attorney General of South Carolina that is responsible for presiding over certain rate hearings.

CC. Executive Assistant to Commissioners. The responsibilities of the Executive Assistant to Commissioners are to advise the Commissioners and to serve as a liaison among the Commission, the Commission Staff, the Press, members of the public and the regulated companies.

103-805. Appearance Bond.

(Statutory Authority: S.C. Code Section 58-3-140)

Applications that are filed with the Commission that may require a hearing shall be accompanied by an appearance bond in the amount of two hundred fifty dollars. The appearance bond is required to guarantee the applicant's appearance at the public hearing, if any, to be held in connection with its application. The appearance bond will be returned to the applicant if the applicant appears at the public hearing.

SUBARTICLE 2.

OPERATION AND ORGANIZATION OF THE COMMISSION

103-810. Functions of the Commission.

The Commission, as provided for by the South Carolina Constitution and as vested with power and jurisdiction by the South Carolina General Assembly, performs the following general functions:

A. Regulation and supervision of privately-owned electric utilities as to rates, charges, services, facilities, practices, accounting procedures, the purchase, sale or lease of utility property and the issuance of securities; and the administration of the Rural Electric Cooperative Act, relative to territorial boundaries. S. C. Code Ann., Section 58-27-10 et. seq. (1976), as amended; and R.103-300, et. seq.

B. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all intrastate privately-owned gas, water and sewerage companies; and administration of the Gas Safety Act of 1970. S. C. Code Ann., Section 58-5-10 et. seq., (1976), as amended; R.103-400 et. seq.; R.103-500 et. seq., R.103-700, et. seq.

C. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures for all privately and publicly-owned telephone and telegraph companies within the State. S. C. Code Ann., Section 58-9-10 et. seq., (1976), as amended; R.103-600 et. seq.

D. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all radio common carriers within the State. S. C. Code Ann., Section 58-11-10 et seq., (1976).

E. Regulation and supervision of for hire motor carriers of freight and passengers relative to rates, schedules, rules, charges and facilities; issuance and supervision of the administration of Certificates of Public Convenience and Necessity; administration of Registration and Safety Act of 1970. S. C. Code Ann., Section 58-23-10 et. seq., (1976), as amended; R.103-100 et. seq.

F. Regulation and supervision of express and telegraph companies. S. C. Code Ann. Section 58-9-2310 et. seq. (1976), as amended.

G. Regulation and supervision of rates, services, charges, schedules, and facilities of railroads and railways. S. C. Code Ann., Section 58-15-10 et. seq. (1976), as amended; R.103-1 et. seq.

103-811. Commissioners.

The membership of the Commission is composed of seven Commissioners, each elected for a term of four years by the South Carolina General Assembly upon nomination of the S.C. Public Service Commission Merit Selection Panel, one from each of six Commission Districts and one at-large, pursuant to S.C. Code Ann., Section 58-3-20 (Cum. Supp. 1976).

103-812. Chairman and Vice Chairman.

The Commission will elect one of their number chairman and another of their number vice-chairman.

103-813. The Commission Staff.

The staff of the Commission, as authorized pursuant to S.C. Code Ann., Section 58-3-60 (1976), as amended, functions to provide the technical, administrative, and clerical assistance to the Commission to enable the Commission to perform its statutory functions. The Commission staff consists of three divisions, the Administration Division, the Transportation Division, and the Utilities Division, all under the administration of the Office of the Executive Director.

A. The Administration Division. The Administration Division, under the supervision of the Executive Director of the Commission, maintains formal control of the dockets of all proceedings before the Commission, maintains the official Hearing Calendar, notifies parties of hearing dates for formal proceedings, administers personnel programs of the Commission, supervises preparation and operation of the Commission's budget, supervises research programs, receives and makes initial disposition of public inquiries, and performs other duties designed to insure the administrative efficiency of the Commission. The Administration Division is composed of the Administrative Department, Office of General Counsel, Research Department and the Accounting Department.

B. The Transportation Division. The Transportation Division, under the supervision of the Director of the Transportation Division, is divided into five (5) departments, designed to assist the Commission in the regulation and supervision of the operation of motor vehicles and railroads used in the business of transporting persons and property for compensation in the State. The departments of the Transportation Division are: the Licensing Department, the Rates Department, the Law Enforcement and Safety Department, the Registration Department, and the Rails and Rail Safety Department. Each department functions under the direction of a chief.

C. The Utilities Division. The Utilities Division, under the supervision of the Director of the Utilities Division, is divided into four (4) departments, each designed to assist the Commission in performing those statutory regulatory functions described in R. 103-810, pertaining to public utilities, electric utilities, telephone and telegraph companies, express and telegraph companies, and radio common carriers. The departments of the Utilities Division are: the Gas Department, the Electric Department, the Telecommunications Department, and the Water and Wastewater Department. Each department functions under the direction of a chief.

103-814. Office of General Counsel.

The Office of General Counsel, consisting of the Commission's legal staff, is appointed by the Commission and approved by the Attorney General of South Carolina and has the following functions:

A. Represent and appear for the people of the State and the Commission in all actions and proceedings involving any question of general and public interest within the jurisdiction of the Commission and, if directed to do so by the Commission, intervene, if possible, in any action or proceeding in which any such question is involved;

- B. Commence, prosecute and expedite the final determination of all actions and proceedings directed or authorized by the Commission;
- C. Advise the Commission and each Commissioner, when so requested, in regard to all matters connected with powers and duties of the Commission and the members thereof;
- D. Generally perform all duties and service as attorney to the Commission which the Commission may require of it.

103-815. Commission Meetings.

Formal meetings of the Commission are held on a weekly basis, or at the call of the chairman or at the call of a majority of the Commission, for the purposes of formulating decisions, composing orders, planning and coordinating the work of the Commission, and conferring with the Commission staff. The Executive Director shall be responsible for the arrangement of the agenda of matters to be considered at Commission meetings. All Commission meetings and executive sessions are conducted in accordance with the terms of S.C. Code Ann., Section 30-4-10 et. seq. (Cum. Supp. 1986).

103-816. Office Hours.

The offices of the Commission will be open for business daily during the hours between 8:15 A. M. and 4:45 P. M., Monday through Friday, subject to the observance of State holidays.

103-817. Written Correspondence.

All written communications should be directed to the following address:

The South Carolina Public Service Commission

Post Office Drawer 11649

111 Doctor's Circle

Columbia, South Carolina 29211

103-818. Telephone Communications.

The Commission subscribes to a wide area telephone service (WATS) line for the receipt of complaints from users of the services of regulated entities and for the transaction of Commission business. The Commission's WATS line is available for intrastate usage. The WATS line number will be prominently displayed in the published telephone directories within the State of South Carolina.

SUBARTICLE 3.

PROCEEDINGS

103-820. Informal Proceedings.

A. Nature of Informal Proceedings. When permitted by law, informal proceedings for the purposes of resolving complaints or inquiries or for the purposes of gathering information, in matters arising under the jurisdiction of this Commission, may be conducted by Commission staff members, or one or more Commissioners, without the transcription of testimony or the development of a formal record. Informal proceedings will not be utilized for any rate-making proceedings or other matters where hearings are required by law.

B. Initiation of Informal Proceedings.

(1) All informal proceedings shall be initiated by forwarding a written communication to the Executive Director at his business offices at the Commission as designated herein, which shall show the information required below; or by oral communication during normal business hours with a Commission staff employee or employees designated by the Executive Director who shall transcribe the following information on the appropriate Commission form.

(a) The name and address of the party making the complaint or request and the name and address of his attorney, if he is represented.

- (b) The name and address of the party about whom the complaint or request is made.
 - (c) A concise, cogent statement of the factual situation surrounding the complaint or request.
 - (d) A concise statement of the relief sought, if any.
- (2) Each such communication shall be designated by Commission staff as a “request” or “complaint”.

C. Conduct of Informal Proceedings.

(1) Where permitted by statute, all complaints and requests containing the information designated in R. 103-820B will be processed pursuant to R. 103-820 unless a formal proceeding is initiated pursuant to R. 103-821B.

(2) Complaints or requests made by oral communication will be processed by the appropriate staff employee in an oral or written manner designed to reach the most expeditious resolution of the matter. The staff member shall offer the person making the complaint the option of filing a written complaint which shall be processed according to R. 103-820C(3).

(3) Each written complaint or request filed by a party, shall be dated upon receipt, and shall be assigned an appropriate file or complaint number by Commission staff, and all subsequent correspondence will refer to that file number. After filing, a copy of the complaint or request, or a concise summarization thereof, will be forwarded by Commission staff within 14 days to the party, if any, about whom the complaint or request is made. That party will respond with a brief explanation to each factual statement in the complaint or request. This response shall be mailed to the Commission within 14 days, unless otherwise specified, and a copy of such response shall be forwarded through the mail by the Commission staff to the party making the complaint or request.

(4) Unless a conference is requested by one of the parties, all informal proceedings will be conducted by the Commission staff through written correspondence, or oral communication, and all parties will be sent copies of any written correspondence and will be kept advised of any oral communication between the parties or their counsel. The object of informal proceedings shall be to obtain a fair settlement or resolution, or response, to any complaint or request through agreement or action by the parties.

(5) If any of the parties or Commission staff so requests, and it appears to the Commission staff member assigned to the informal proceeding that there is a probability of beneficial results to be derived therefrom, a conference may be directed by the Commission staff member to be held at an appropriate location, and all parties will be directed to appear. Due notice, not less than five days prior to the conference, unless otherwise agreed by all parties and Commission staff, will be given all parties of the time and place for the conference and all parties will be prepared to discuss fully the factual issues, and the possible settlement, resolution, or responses that are available to the parties. All parties shall strive to obtain a fair settlement or resolution at such conference and the parties shall reduce to writing any agreement, regarding settlement or action to be taken, at the conclusion of the conference. The agreement, if any, shall be signed by all parties.

D. Final Disposition of Informal Proceedings. Informal proceedings will be concluded when the parties reach agreement, or resolve any complaints, questions, or problems in a reasonable fashion. Any agreements reached will be reduced to writing in every case, with copies sent to all parties, and filed in the Commission records. If no agreement is reached, or resolution of a complaint achieved, informal proceedings will be concluded by written notification from Commission staff to all parties that no agreement or resolution has been reached, and that continuation of such informal proceedings would not appear likely to achieve such agreement or resolution. This notification will advise all parties that they may initiate formal proceedings before the Commission on the complaint or request pursuant to these rules. Staff, upon request of any of the parties, may file written certification with the Executive Director, with the original complaint or request attached, stating that informal proceedings have been concluded without resolution and that the designated parties request initiation of formal proceedings as if a pleading had been filed pursuant to R. 103-821B.

103-821. Formal Proceedings.

A. Nature of Formal Proceedings. If required by law and upon filing of a formal pleading as set forth in R. 103-821B, formal proceedings for the purpose of rulemaking, ratemaking, licensing, determining

rights, duties, or privileges of any party, and undertaking an official inquiry for the purposes of gathering information or making determinations, which fall under the jurisdiction of the Commission, shall be conducted by one or more Commissioners, or by a hearing examiner through the development of a formal record.

B. Initiation of Formal Proceedings.

(1) All formal proceedings shall be initiated by filing with the Executive Director at his business offices at the Commission one original and five copies of an appropriate pleading unless otherwise provided, as designated in R. 103-830, et seq.

(2) The Executive Director may refuse to accept for filing any pleading which does not conform to the rules of the Commission, and shall mail written notice to the party or his authorized representative within ten days after receipt, stating why it has not been accepted for filing.

C. Conduct of Formal Proceedings.

(1) All pleadings initiating formal proceedings shall be dated upon receipt and shall be assigned a docket number after filing, and all subsequent pleadings or correspondence shall refer to that docket number. Formal pleadings will be captioned in accordance with R. 103-830, et seq., and shall be processed pursuant to these rules.

(2) The Executive Director after filing of the pleadings shall give the Commission notice of such filing at the next regular meeting of the Commission. Where provided by law, any formal proceeding initiated under these rules may be dismissed without hearing by Order of the Commission within 14 days after the pleading has been accepted for filing, upon the written opinion of the Commission that the pleading on its face shows that a hearing is not necessary in the public interest or for the protection of substantial rights.

(3) After any pleading has been accepted for filing, the Executive Director may:

(a) Serve the pleadings, as required, in accordance with R.103-841, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish one time in newspapers having general circulation in the State, or, if applicable, in newspapers having general circulation in the party's service area. Except for good cause shown, proof of publication must be filed on or before the return date. The Executive Director, pursuant to other rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of mailing be filed on or before the return date.

(b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Executive Director shall prepare a Notice of Hearing, and shall forward by certified mail such Notice of Hearing to all parties. Proof of mailing must be placed in the formal record.

(c) Assign a time and place for any public hearing necessary in the conduct of any formal proceeding. The Executive Director shall likewise cause the pleadings to be served pursuant to these rules or issue written notice of the filing of pleadings which shall be published pursuant to law, and notice of the hearing date assigned for the conduct of any formal proceeding, as provided by law.

(d) Require from a person filing a pleading a letter incorporating a statement presenting the number of witnesses the person expects to offer in the proceeding and an estimate of the time required for the presentation of testimony and exhibits.

(4) Public hearings in the conduct of formal proceedings shall be held pursuant to R. 103-860, et seq.

D. Final Disposition of Formal Proceedings. Formal proceedings shall be concluded upon the issuance of an order by the Commission or upon a settlement or agreement reached by all parties to the formal proceedings and formally acknowledged by the Commission by issuance of an order.

103-822. Rulemaking proceedings.

A. Nature of Rulemaking Proceedings. When permitted by law, and upon the filing of a pleading, pursuant to R. 103-821B, formal proceedings for the purpose of rulemaking shall be conducted by one or more Commissioners or by a hearing examiner through the development of a formal record.

B. Initiation of Rulemaking Proceedings. Rulemaking proceedings shall be initiated by the process identified in R. 103-821B.

C. Conduct of Rulemaking Proceedings.

(1) Pleadings filed with the Commission initiating rulemaking proceedings shall be processed as in formal proceedings, pursuant to R. 103-821C(1) and (2).

(2) General notice of proposed rulemaking proceedings shall be made in accordance with applicable provisions of law.

(3) The Commission shall provide an opportunity to interested parties for participation in the rulemaking proceeding through submission of written data, views or arguments with or without opportunity for oral presentation.

D. Final Disposition of Rulemaking Proceedings. Rulemaking proceedings shall be concluded upon the issuance of an order by the Commission issuing, amending, or repealing a rule or rules, and containing a concise general statement of the basis and purpose of such rule or rules. Publication of such rule or rules shall be made in accordance with applicable provisions of law.

SUBARTICLE 4.

PLEADINGS

103-830. General Contents of Pleadings.

All pleadings in formal proceedings before the Commission to which docket numbers have been assigned shall prominently display such docket numbers. All pleadings shall also include the following information:

- A. The legal name and address of each person by whom such pleading is filed;
- B. The full name and address of the authorized representative of the person filing the pleading;
- C. A concise and cogent statement of the facts such person is prepared to present to the Commission;
- D. A statement identifying the specific relief sought by the person filing the pleading.

103-831. General Form of Pleadings.

All pleadings filed in formal proceedings before the Commission should be typewritten on paper cut or folded to letter size (8 to 8 1/2 inches wide by 10 1/2 to 11 inches long) with a left-hand margin not less than 1 1/2 inches wide and other margins not less than 1 inch wide. The impression shall be on one side of the paper only.

103-832. Copies of Pleadings.

Pleadings shall be filed in one original and 10 copies, unless otherwise specified by the Division Director. Mimeographed or photocopied copies will be accepted as typewritten, provided all copies are clearly legible.

103-833. Signature and Verification.

All pleadings filed with the Commission shall be signed. The signature of the person, or its authorized representative, submitting the pleading, shall constitute an admission that such person or representative has read the pleading and knows the contents thereof, and, if the signatory is acting in a representative capacity, that such signatory has the capacity and authority specified therein. A verification under oath shall be required if facts are alleged to be true within the knowledge of the person filing the pleading.

103-834. Applications.

Applications are submitted to the Commission for any authorization or permission which the Commission is empowered to grant under its statutory authority, including applications for establishment or adjustment of rates and charges.

A. Content of Applications. Applications shall state clearly and concisely the authorization or permission sought, and shall refer to the specific statutory provision or other authority under which Commission authorization or permission is sought. Applications shall further set forth the following information:

- (1) The precise legal name of the applicant, which shall indicate whether the applicant is a partnership, corporation, association, establishment, governmental subdivision, or other public or private organization.
 - (2) The name, title, address and telephone number of the person to whom correspondence or communications relative to the application is to be addressed.
 - (3) The following data, in general rate establishment or adjustment applications, attached as exhibits and developed for a historic twelve-month test period unless otherwise directed:
 - (a) Balance sheet;
 - (b) Profit and loss statement;
 - (c) Accounting and pro forma adjustments;
 - (d) Computation of proposed increase or decrease;
 - (e) Effect of proposed increase or decrease to include copies of present and proposed tariffs;
 - (f) Statement of fixed assets and depreciation reserve;
 - (g) Rates of return on rate base and on common equity.
 - (4) All other information required by statute or by the Commission's Rules and Regulations under which a specific type of application is filed, or as may be required by the Commission in a particular proceeding.
- B. Form of Applications. Except where otherwise prescribed by the Rules and Regulations of the Commission under which a specific type of application is filed, applications shall conform to the requirements of R. 103-830 through R. 103-833.

103-835. Complaints.

Any person complaining of anything done or omitted to be done by any person under the statutory jurisdiction of the Commission in contravention of any statute, rule, regulation or order administered or issued by the Commission, may file a written complaint with the Commission, requesting a formal proceeding.

A. Contents of Complaints. A written complaint filed with the Commission shall contain the following information:

- (1) The name, address and telephone number of the person making the complaint and of his authorized representative, if he is represented.
- (2) The name and address of the person about whom the complaint is made.
- (3) A concise and cogent statement of the factual situation surrounding the complaint. If a complaint relates to an act, rule, regulation or order administered or issued by the Commission, or to a provision in a tariff or contract on file with the Commission, the act, rule, regulation, order, tariff or contract should be specifically identified in the complaint.
- (4) A concise statement of the nature of the relief sought.

B. Form of Complaints. A complaint filed pursuant to this section shall conform to the requirements of R. 103-830 through R. 103-833.

C. Joinder of Complaints. Two or more grounds of complaint concerning the same subject or set of facts may be included in one complaint, but should be separately stated and numbered. Two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and if they involve substantially the same purpose, subject or set of facts.

103-836. Petitions.

Petitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority. Petitions which may be filed include: Petition for Rulemaking, Petition for a Declaratory Order, Petition to Intervene, Petition for Rehearing or Reconsideration, and Petition for a Rule to Show Cause.

A. Content of Petitions. Petitions shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought. Petitions shall cite by appropriate reference the statutory provision or other authority relied upon for relief. The following requirements are applicable to specific types of Petitions:

- (1) A Petition for Rulemaking shall set forth clearly and concisely:

- (a) The petitioner's interest in the subject matter;
 - (b) The specific rule, amendment, waiver or repeal requested;
 - (c) The statutory provision or other authority therefore;
 - (d) The purpose of, and the grounds requiring, the proposed rulemaking.
- (2) A Petition for Declaratory Order to determine applicability of any statute or of any rule or order of the Commission shall state clearly and concisely:
- (a) A full disclosure of the petitioner's interest;
 - (b) The uncertainty which is the subject of the petition;
 - (c) The statutory provision or other authority involved;
 - (d) A complete statement of the facts prompting the petition.
- (3) A Petition to Intervene in a formal proceeding before the Commission shall set forth clearly and concisely:
- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
 - (b) The grounds of the proposed intervention;
 - (c) The position of the petitioner in the proceeding.
- (4) A Petition for Rehearing or Reconsideration shall set forth clearly and concisely:
- (a) The factual and legal issues forming the basis for the petition;
 - (b) The alleged error or errors in the Commission order;
 - (c) The statutory provision or other authority upon which the petition is based.

B. Form of Petitions. With the following exception for Petitions to Intervene, all petitions shall conform to the requirements of R. 103-830 through R. 103-833. Handwritten Petitions to Intervene may be accepted by the Commission, if legible.

103-837. Answers.

Answers are submitted to the Commission in response to complaints and petitions, and to Rules to Show Cause issued by the Commission. Answers are not required to Petitions for Rehearing or Reconsideration.

A. Content of Answers.

(1) Answers shall be drawn so as to advise fully and completely the Commission and any party as to the nature of the defense. Answers shall admit or deny, specifically and in detail, each material allegation of the pleading answered, and shall state clearly and concisely the facts and law relied upon.

(2) In an answer to a Rule to Show Cause, mere general denials of the allegations contained in the rule which are unsupported by specific facts will not be considered as complying with this section and may be deemed a basis for entry of a final order without hearing, unless otherwise required by law, on the ground that that answer has raised no issue requiring a hearing or further proceeding.

B. Form of Answers. Except as provided in R. 103-837A all answers shall conform to the requirements of R. 103-830 through R. 103-833.

103-838. Protests.

A. In General. A protest is intended to advise the Commission and all parties to a proceeding before the Commission of the fact and character of the protestant's objection to part or all of the subject matter of the proceeding. The filing of a protest does not make the protestant a party of record. The protest will be placed in a public file associated with, but not part of the formal record, and will be available for such further exploration of the substantive matters raised therein by the Commission staff and other parties as may be appropriate.

B. Form of Protests. No specific form of protest shall be required. The letter or writing should contain the name and address of the protestant, the proceeding or matter to which the protest is addressed, a concise statement of the protest, and whether the protestant wishes to make an appearance at a hearing, if scheduled.

103-839. Amendments.

Any modification or supplement to a pleading shall be deemed an amendment to the pleading, and shall comply with the particular requirements of content and form for the type of pleading so amended. Upon its own motion or upon motion duly filed by a party of record, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within ten (10) days prior to the commencement of or during a hearing unless directed or permitted by the Commission or presiding officer after opportunity for all parties of record to be heard thereon.

103-840. Motions.

A. Certain motions will be reduced to writing and filed with the Executive Director at least ten (10) days prior to the commencement of a hearing. Such motions shall include motions for a special appearance, motions to object to the jurisdiction of the Commission, and motions to strike a portion of a pleading filed by any party in a proceeding. Written motions to quash a subpoena will be made pursuant to R. 103-850G.

B. The Commission, in its discretion and upon due notice to all parties of record, may entertain oral argument and response on prefiled motions in advance of the scheduled hearing in the proceeding to which the motions pertain. Otherwise, such argument and response shall be made at the commencement of the hearing. The presiding officer may make a ruling upon such motion at the completion of oral argument, at the conclusion of the hearing, or in the written order making disposition of the subject matter of the proceeding.

103-841. Filing and Service of Pleadings.

All pleadings shall be filed with the Executive Director of the Commission.

A. Service of Applications. If a person other than the applicant is named in an application, the Executive Director will cause to be mailed to that person a copy of the notice of filing within ten days of the filing date. The person, other than the applicant, shall file its answer, if required, within twenty days of the receipt of the notice of filing.

B. Service of Complaints and Answers.

(1) A complainant requesting a hearing shall file the complaint with the Executive Director. The Executive Director shall mail a copy of the complaint to the defendant within 14 days of filing.

(2) The defendant shall serve its answer on the complainant and shall file its answer with certification of service with the Commission within 30 days of receipt of the complaint, unless an extension of time is granted for good cause shown. Any defendant failing to file its answer within such period, unless an extension of time is granted, shall be deemed in default and all relevant facts stated in such complaint may be deemed admitted.

C. Service of Petitions and Answers.

(1) If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Executive Director shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.

(2) The person named in a petition for a declaratory order or in a petition for a rule to show cause shall serve its answer on the petitioner and shall file its answer with certification of service with the Executive Director within 30 days of the receipt of the petition from the Executive Director unless an extension of time is granted for good cause shown.

(3) A person filing a petition to intervene or a party of record filing a petition for rehearing or reconsideration shall file the petition with certification that service of the petition has been made on all parties of record. The Executive Director shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

D. Service of Amendments. Any amendment to a pleading shall be served and answered, if applicable, according to the requirements specified herein for the type of pleading sought to be amended.

103-842. Computation of Time.

Except as otherwise provided by law, computation of the time period for mailing or serving a pleading shall not include the actual day of the filing of the pleading with the Commission, but the last day of the required time period shall be included unless that day is a Saturday, Sunday or legal holiday. Extensions of time may be granted by the Commission for good cause shown.

SUBARTICLE 5.

SUBPOENAS; INTERROGATORIES; DEPOSITIONS; DATA REQUESTS

103-850. Subpoenas and Subpoenas Duces Tecum.

A subpoena or subpoena duces tecum may be issued under the signature of the Executive Director. Subpoenas and subpoenas duces tecum shall show at whose instance they are issued.

A. Subpoenas Duces Tecum. Unless directed by the Commission upon its own motion, a subpoena to compel a witness to produce documentary evidence will be issued only upon written request to the Executive Director showing general relevance and reasonable scope of the evidence sought, which request must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby. Provided, however, that for good cause shown, in lieu of written request, the request for such a subpoena may be made orally upon the record to the presiding officer at the hearing.

B. Subpoenas. A request for issuance of a subpoena, other than to compel the production of documentary evidence, may be made either by letter addressed to the Executive Director or orally upon the record to the officer presiding at the hearing.

C. Service. The original subpoena or subpoena duces tecum shall be exhibited to the individual served, and a copy thereof shall be delivered to him by the individual making service.

D. Proof of Service. The individual serving the subpoena or subpoena duces tecum shall make affidavit thereof, stating the date, time and manner of service and return to the Executive Director such affidavit on, or with, the original subpoena or subpoena duces tecum in accordance with the form thereon. In case of failure to make service, the reasons for failure shall be stated on the original subpoena or subpoena duces tecum. The written acceptance of service of a subpoena or subpoena duces tecum by the person named therein shall be sufficient without other evidence of such service. The original subpoena or subpoena duces tecum, bearing or accompanied by the required affidavit or acceptance of service, shall be returned forthwith to the Executive Director.

E. Time. No subpoena or subpoena duces tecum will be issued, without good cause shown, less than 24 hours prior to the date that the individual served with the subpoena or subpoena duces tecum is required to act unless the individual being served desires to waive all or any portion of the 24 hours.

F. Enforcement. The Commission by its counsel may seek the enforcement of a subpoena or subpoena duces tecum by requesting that the Court of Common Pleas, or a judge thereof, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena or subpoena duces tecum issued from such court or a refusal to testify therein.

G. Motion to Quash. Any individual who is compelled to act by force of subpoena or subpoena duces tecum and who objects thereto shall file written motion to quash, setting forth the reasons the subpoena or subpoena duces tecum should not be obeyed, or make an oral motion at the hearing, stating the reasons the subpoena or subpoena duces tecum should not be obeyed. Time permitting, the Commission will, by order or otherwise, rule on the motion to quash a subpoena or subpoena duces tecum prior to the hearing. If time prevents such ruling, the presiding officer may rule on such motion at the commencement of the hearing provided such motion is renewed at that time.

103-851. Written Interrogatories.

A. Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers prepared for the pending proceeding.

B. Unless under special circumstances and for good cause shown, written interrogatories shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record written interrogatories to be answered by the party served. If the party served is a public or private corporation, partnership, association, or governmental agency, any officer or agent who possesses the desired information may respond to the interrogatories. Copies of interrogatories served shall also be filed with the Executive Director. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the interrogatories, but not less than 10 days after the service thereof, unless the time is extended by the Commission for good cause shown. Copies of answers and objections, if any, shall be filed with the Executive Director of the Commission.

103-852. Depositions.

Any party of record to a proceeding may, by written request, ask the Commission for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken, specifying the subject matter of the examination, and setting forth the time and place of such deposition, and whether it shall be written or oral examination. All costs incidental thereto shall be paid by the party desiring such deposition. If the request is not deemed meritorious, the written request shall be denied by Order or otherwise.

103-853. Data Request.

The Commission staff, in order to perform statutory duties assigned to the Commission, may request that a party provide certain data and information on various matters at issue in a formal proceeding. This data request, when filed, becomes available for public inspection and copying as provided for in R. 103-804Y(3). In submitting data request staff shall follow the procedure established in R. 103-804X.

103-854. Other Discovery Procedures

The S. C. Rules of Civil Procedure govern all discovery matters not covered in Commission Regulations 103-850 through 103-852.

SUBARTICLE 6.

HEARINGS

103-860. How Hearings are Set.

In formal proceedings, the Commission will assign a time and place for hearing and shall give notice thereof as required by law.

103-861. Hearing Calendar.

The hearing calendar will be posted in the office of the Executive Director of the Commission and shall be available for inspection by the public during the office hours of the Commission. Formal proceedings pending upon this calendar will be heard in their order of assignment, so far as practicable, at the times and places fixed, provided, however, in its discretion, with or without motion, the Commission may, at

any time with reasonable notice to the parties, advance or postpone any formal proceeding on the hearing calendar.

103-862. Continuance.

Any party of record desiring a continuance shall, immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to its knowledge, notify the Executive Director, stating in detail the reasons why such continuance is necessary. Unless good cause is shown, no such continuance shall be granted.

103-863. Prehearing Conferences.

A. Purposes. Upon written notice by the Commission in any formal proceeding, parties of record or their authorized representative may be directed to meet before a designated staff member at a specified time and place for a conference, prior to a hearing, for the purpose of formulating issues, and considering:

- (1) The simplification of issues;
- (2) The necessity or desirability of amending the pleadings for the purposes of clarification, amplification or limitation;
- (3) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (4) Limitations on the number and consolidation of the examination of witnesses;
- (5) The procedure at the hearing;
- (6) The distribution of written testimony and exhibits to the parties prior to the hearing;
- (7) Any other matters as may aid in the disposition of the proceeding, or settlement thereof.

B. Report of Stipulations. Following the prehearing conference, a proposed Report of Stipulations, reciting the action taken at the conference, amendments allowed to the pleadings, if any, and agreements, if any, made by the parties of record concerning all of the matters considered, shall be provided to the parties of record or their authorized representatives for approval. If no objection to the Report of Stipulations is filed within ten days after the date such Report is mailed, it shall be deemed to be approved. This Report, when approved, shall limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of the parties or their authorized representative and will control the subsequent course of the formal proceeding unless modified at the hearing to prevent manifest injustice.

103-864. Consolidated Hearings.

The Commission, upon its own motion or upon motion by any party, may order two or more formal proceedings involving a similar question of law or fact to be consolidated for hearing where rights of the parties or the public interest will not be prejudiced by such procedure.

103-865. Presiding Officer.

A. In General. When evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing.

B. Powers and Duties of Presiding Officer. A presiding officer shall have the duty to conduct full, fair, and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of proceedings, and to maintain order; and shall possess all powers necessary to that end, including the following:

- (1) To administer oath and affirmations;
- (2) To order subpoenas issued and to provide for other methods of discovery;
- (3) To receive evidence and rule upon all objections and motions which do not involve final determination of proceedings;
- (4) To take such other action as may be necessary and appropriate to the discharge of duties consistent with the statutory authority or other authorities under which the Commission functions.

C. Report of Presiding Officer. When a majority of the Commissioners do not hear a formal proceeding or read the record thereof, the presiding officer shall mail to the parties of record a proposed Order. The

proposed Order shall contain a statement of facts relied upon in formulating such Order and each issue of fact or law necessary to it. Any party of record will then have ten days in which to file exceptions, present briefs, and file written requests for oral argument to the Commission, if it is desired to do so. If exceptions and briefs are filed within the prescribed time period, the Commission will consider the points raised therein and will issue its Order based upon the record of the formal proceeding, the proposed Order, and the exceptions and briefs filed. If a written request for oral argument is filed, the Commission will establish a date for such oral argument to be heard and will notify all parties of record as to date, time and place for such argument. Thereafter, the Commission will issue its Order based upon the record of the formal proceeding, the proposed Order, any exceptions and briefs filed, and the oral argument presented. If no exceptions, briefs, or written requests for oral argument are received within the prescribed ten days, the Commission will issue its Order based upon the record of the formal proceeding and the proposed Order.

103-866. Order of Procedure.

A. Commission Investigations. Upon an investigation initiated by the Commission or by staff on motion of the Commission, evidence in a formal proceeding will ordinarily be received in the following order:

- (1) Commission staff;
- (2) Respondent;
- (3) Other parties.

B. Applications and Petitions. Evidence will ordinarily be received upon applications and petitions in the following order:

- (1) Applicant or Petitioner;
- (2) Other parties;
- (3) Commission staff.

C. Formal Complaint. Evidence will ordinarily be received upon complaints in the following order:

- (1) Complainants;
- (2) Respondents;
- (3) Other parties;
- (4) Commission staff.

103-867. Standard of Conduct.

All individuals acting in a representative capacity in formal proceedings before the Commission shall conform to the standards of ethical conduct required of attorneys before the courts of this State. If any such individual does not conform to such standards, the Commission may decline to permit such individual to act in a representative capacity in any proceeding before the Commission.

103-868. Failure to Attend Designated Hearing.

A. At the time and place set for hearing, if an applicant, petitioner, or complainant fails to attend personally or through an authorized representative without having obtained a continuance in the manner specified in R. 103-862, the Commission may dismiss the petition, application, or complaint with or without prejudice or may, upon good cause shown, recess such hearing for a further period to be set by the Commission to enable such applicant, petitioner, or complainant to attend.

B. Parties of record or their authorized representative shall be present during all proceedings of any scheduled matter pending before the Commission except upon leave of the presiding officer.

103-869. Witnesses.

A. In General. Witnesses shall be examined orally. Witnesses presenting testimony shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them.

B. Cumulative Testimony Restricted. The presiding officer may limit the number of witnesses whose testimony may be merely cumulative. In order to enforce this section, the presiding officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

C. Prepared Statements and Exhibits. A witness may read into the record, as his direct testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel. A prepared statement of a witness may also be received as an exhibit. All parties of record, insofar as it is practicable, should prefile with all other parties of record copies of prepared testimony and exhibits which the party of record proposes to use during a hearing. In formal proceedings involving utilities, the Commission shall require any party and staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. In formal proceedings involving companies other than utilities, the Commission may require any party and staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. When prepared testimony and exhibits are prefiled with the Commission, twenty-five copies, unless otherwise specified, of such testimony and exhibits must be furnished to the Commission for the use of the Commission and Staff.

103-870. Evidence.

A. In General. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the Court of Common Pleas shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. Reception and Ruling on Proffered Evidence. The presiding officer shall rule on the admissibility of all evidence and shall otherwise control the reception of evidence so as to confine it to the issues in the hearing.

C. Notice of Cognizable Facts. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties of record shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed. Parties shall be afforded an opportunity to contest the material proposed to be noticed.

103-871. Documentary Evidence.

A. Commission Files. In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or file containing the matter so offered.

B. Records in Other Proceedings. If the transcript, or any portion thereof, of another formal proceeding before the Commission is desired to be introduced into the formal record at a subsequent hearing, a true copy of the portion desired must be presented.

C. Abstracts of Documents. When documents are numerous, such as freight bills or bills of lading, and it is desired to offer in evidence more than a limited number of such documents as typical of the others, an abstract of relevant data of such documents shall be prepared in an orderly manner and offered as an exhibit, giving other parties to the proceeding reasonable opportunity to examine both the abstract and the documents.

103-872. Exhibits.

A. SIZE OF EXHIBITS. Except by special permission of the presiding officer, no prepared exhibits offered as evidence shall be of greater size, when folded, than 8 1/2 inches by 11 inches.

B. Copies of Exhibits. When exhibits are offered in evidence, the original shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy to each Commissioner sitting and the presiding officer, each party of record, and the staff, unless such copies have been previously furnished or the presiding officer directs otherwise. Whenever practicable, the parties should exchange copies of exhibits which they propose to use prior to the hearing.

C. Marking of Exhibits. All exhibits shall be marked numerically in the order of identification.

103-873. Objections to the Introduction of Evidence.

A. In General. Any evidence offered in whatever form shall be subject to appropriate and timely objection. When objection is made to the admissibility of evidence, such evidence may be received subject to later rulings by the presiding officer. The presiding officer, in his discretion, either with or without objection, may exclude inadmissible, incompetent, cumulative, or irrelevant evidence, or order the presentation of such evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered.

B. Offers of Proof. When the presentation of any evidence is objected to and such objection is sustained by the presiding officer, the proponent of the evidence may request that she or he be allowed to present an offer of proof for the formal record. Such offer of proof shall consist of a statement of the substance of the evidence to which objection has been sustained, or if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall constitute the offer of proof.

103-874. Transcripts.

A. In General. The Commission will cause to be made a record of all formal proceedings.

B. Copies of Transcript. Copies of the typewritten transcript of any formal proceeding may be obtained from the hearing reporters upon request and after payment of the applicable fee.

103-875. Briefs.

A. Due Date. The presiding officer shall fix the time for filing and service of briefs. Without special permission, however, the time in which to file briefs shall not exceed 30 days from the close of the hearing.

B. Table of Contents and Citations. A brief of more than 20 pages shall contain a table of contents showing arguments presented with page references and a list of citations, alphabetically arranged with references to the pages where they appear.

C. Scope of Briefs. Briefs should contain:

- (1) A concise statement of the case;
- (2) An abstract of the evidence relied upon, preferably assembled by subjects;
- (3) Factual and legal arguments, or, if desired, a proposed Order together with reasons and authorities therefor.

D. Exhibit Reproduction. Exhibits may be reproduced in an appendix to the brief. Analysis of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

E. Filing and Service. Briefs must be filed with the Executive Director and served on parties of record on or before the date fixed. If not filed on or before the date fixed, the brief will not be received without permission from the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties of record or their authorized representatives who appeared at the hearing. Ten copies of each brief shall be furnished for the use of the Commission and staff.

103-876. Service of Orders.

All Orders representing final disposition of a formal proceeding shall be filed with the Executive Director who shall serve copies thereof upon all parties of record or their authorized representative. Such service shall be by certified mail or by delivery to the parties or their attorneys, as may be appropriate.

SUBARTICLE 7.

COMMISSION ORDERS

103-880. Finality of Decision.

All formal proceedings before the Commission shall be disposed of by issuance of an Order as defined in R. 103-804T served upon all parties of record.

A. Effective Date of Orders. Commission Orders shall take effect and become operative upon the date of issuance, unless otherwise provided, and shall continue in force and effect either for a period which may be designated therein or until rescinded, modified or amended by the Commission. If an Order cannot be complied with within prescribed time limit, the Commission may, upon application, grant such additional time as in its judgment is reasonably necessary to comply with the Order.

B. Rescinding, Modifying, Amending Order or Decision. The Commission may rescind, modify, or amend any Order. If the rescission, modification or amendment pertains to other than clerical errors or omissions, parties of record shall be provided notice and opportunity to be heard. Any Order rescinding, modifying or amending a prior Order shall have the same effect as is provided for in original Orders, but no such Order shall affect the legality or validity of any acts done pursuant to the original Order before notice of such rescission, modification, or amendment.

103-881. Petition for Rehearing or Reconsideration.

Unless otherwise provided by law, no cause of action shall accrue in any court of competent jurisdiction to vacate or set aside any Order of the Commission, either in whole or in part, unless a petition for rehearing or reconsideration and proof of service are filed with the Commission, and an Order has been issued disposing of the matter.

A. Form, Contents of Petition for Rehearing or Reconsideration. All petitions for rehearing or reconsideration shall conform to R. 103-836.

B. Time limit for filing a petition for rehearing or reconsideration. Except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976), any party of record may, within 20 days after the date of receipt of Order, petition the Commission for rehearing or reconsideration. A Petition for Reconsideration shall be subject to the same statutory parameters as a Petition for Rehearing.

C. Action by the Commission. The Commission must act upon the petition for rehearing or reconsideration within thirty (30) days after such petition is filed except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976). Failure to act within this time period shall be deemed a denial of the relief sought in the petition.

D. Effect of Filing a Petition. Filing a petition shall not excuse or delay compliance with an Order issued by the Commission, unless specifically provided by the Commission.

103-882. Presiding Officer's Proposed Report.

In the event a presiding officer hears a matter before the Commission, the parties of record may, by stipulation, waive the preparation of a proposed report. Parties of record may file exceptions to the proposed report pursuant to R. 103-865C.

103-883. Appellate Review.

A. In General. After denial of rehearing, a party of record may appeal a Commission Order to the appropriate judicial forum pursuant to applicable provisions of law.

B. Stay of Commission Order Pending Review. Except as otherwise provided by law, an appeal from an Order of the Commission shall not of itself stay or suspend operation of the Order of the Commission.

C. Transcript of Testimony. A transcript of the proceeding will be furnished upon request to the Commission's hearing reporters, stating the number of copies desired, the person to be billed and the person to whom the transcript is to be sent.

D. Record on Appeal. In any action to review a final decision of the Commission, the record shall consist of all items set forth in R. 103-804G.

E. Stipulations. The Commission, and any party of record appealing a Commission Order, may stipulate that a certain question or questions and a specified portion of the evidence shall be certified to the Court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on view.

F. Priority. Cases appealed from the Commission shall have priority where such is given by statute.

103-884. Penalty Provisions.

A. In General. Any fine or penalty assessed against any person as allowed by statute, may be imposed in accordance with applicable provisions of law and these rules as established by the Commission.

B. Calculation of Fine or Penalty. The fine or penalty will be incurred and will accrue each day with each day considered a separate breach or violation.

C. Payment of Fine or Penalty. A fine or penalty assessed pursuant to the provisions of these rules shall be paid immediately upon demand by certified check made payable to the State of South Carolina. Failure to honor this demand within ten days shall result in a filing in the appropriate county office or offices, for collection of such fine or penalty as provided by law.

D. Disbursement of Fine or Penalty. All fines or penalties assessed by the Commission shall go into the general funds of the State unless otherwise provided by law.

103-885. General Provisions.

A. Additional Hearings. The Commission may, in addition to other hearings as provided for by rule or statute, conduct such other hearings as may be required in the administration of the Commission's power and duties.

B. Construction. If any provision of these rules or the application thereof is held invalid, the remainder of the rules or other application of such rules shall not be affected.

103-886. Emergency Procedures.

A. When it appears to the Commission Staff that a utility is planning to disconnect its service to a customer(s) in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Commission Staff, any one Commissioner may issue an Order on behalf of the Commission restraining and/or enjoining a utility from disconnecting service or requiring the utility to maintain the status quo with its customer(s) until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

B. When it appears to the Commission Staff that a utility has disconnected a customer's (s') service in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Commission Staff, any one Commissioner may issue an Order on behalf of the Commission requiring the utility to reconnect the service and maintain that status quo until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.