

# CHAPTER 103

## Public Service Commission

(Statutory Authority: 1976 Code §§ 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

#### **103-6. 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 § 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988.

**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 § 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 § 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988.

#### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988.

#### **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 § 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.

#### **103-18. 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 § 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.

**HISTORY: Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988.**

### **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 § 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.

**HISTORY: Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988.**

**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 §§ 58-17-2710, 58-17-2820, S. C. Code 1976.

### **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.

### **103-40. 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 § 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 § 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 § 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 §§ 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 § 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**

**103-74. 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.

**HISTORY:** Added by State Register Volume 12, Issue No. 5, eff May 27, 1988.

**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. 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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**103-102. Definitions of Terms.**

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

1. Certified Carrier. "Certified Carrier" means a motor carrier operating under a Certificate of PC&N, a Certificate of FWA, or a Charter Bus Certificate.

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. 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.

4. 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."

5. Charter Bus. "Charter Bus" is a passenger carrier equipped to carry sixteen (16) or more passengers.

6. Class C Charter Certificate. "Class C Charter Certificate" is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers and accepting passengers exclusively on a pre-arranged basis and which remuneration is determined on an hourly basis. A Class C Charter Certificate shall be denominated "Class C - Charter."

7. Class C Taxi Certificate. "Class C Taxi Certificate" is a Class C certificate required to be held by service providers engaged in passenger for hire transportation using any motor vehicle equipped to carry up to fifteen (15) passengers, whether or not equipped to handle wheelchairs, which operates on call or demand/response service whereby remuneration is determined on a per trip basis. The issuance of a Taxi certificate signifies that the motor carrier has met all of the requirements of the commission and all of the safety requirements of the Department of Public Safety. A Class C Taxi Certificate shall be denominated "Class C - Taxi."

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

9. 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.

10. 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.

11. Corporation. "Corporation" means a corporation, company, association, or joint stock association.

12. Driver. "Driver" or "Operator" shall mean any person who physically operates a licensed taxi, limousine, non-emergency vehicle or wheelchair van as defined herein, whether such person operates as agent, lessee, independent contractor or employee of any certificated carrier.

13. Interstate Commerce. "Interstate Commerce" means commerce between any place in a state and any place in another state.

14. 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.

15. Limousine. A "Limousine" shall mean any motor vehicle equipped to carry up to fifteen (15) passengers which exclusively engages in "Class C Charter" operations. Limousines shall be required to obtain a Class C - Charter certificate.

16. Motor Carrier. "Motor Carrier" means both a common carrier by motor vehicle and a contract carrier by motor vehicle.

17. 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.

18. 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.

19. Municipality. "Municipality" means any incorporated city or town within the State of South Carolina.

20. 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. "Non-Emergency Vehicle" includes "Wheelchair Van" but not taxicabs. "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.

21. ORS. The "ORS" means the South Carolina Office of Regulatory Staff.

22. Person. "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

23. 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.

24. Rates. "Rates" include rates, fares, tolls, rentals and charges.

25. State. "State" means the State of South Carolina.

26. STB. "STB" means Surface Transportation Board.

27. 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.

28. Taxi. A "Taxi" or "Taxi Cab" means a passenger carrier vehicle capable of carrying between one and fifteen passengers, the use or transportation in which is paid for or billed to the passengers on a per trip basis.

29. 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.

30. Wheelchair Van. "Wheelchair Van" means a Non-Emergency Vehicle other than a taxi cab 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.

31. Equipped to Carry. "Equipped to carry" means the number of passengers a vehicle is capable of carrying based on the number of seatbelts in that vehicle. If seatbelts do not exist in or cannot be located by ORS Inspectors, ORS may alternatively calculate the number of passengers a vehicle is capable of carrying by utilizing the method set forth in the Federal Transportation Regulations to determine "seating capacity" pursuant to 49 C.F.R. §387.29. Efforts to circumvent regulation or proper licensing by removing or altering the number of seatbelts in a vehicle and/or otherwise altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the commission.

32. Passenger. "Passenger" means every person carried or riding in a motor carrier, including the driver.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 24, Issue No. 7, eff July 28, 2000; State Register Volume 26, Issue No. 5, Part 2, eff May 24, 2002; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 34, Issue No. 5, eff May 28, 2010.

### **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. Access to these rules and regulations via the internet or through other electronic means at the carrier’s principal office shall be deemed sufficient to meet the requirements of this regulation.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 approved by the commission and issued by the ORS 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 ORS after approval by the commission.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ORS after approval by the commission.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ORS after approval by the commission, except “charter buses,” which must obtain a Charter Bus Certificate.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 24, Issue No. 7, eff July 28, 2000; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 ORS after approval by the commission.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 shall 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 ORS after approval by the commission.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**103–122. Further Exemptions.**

1. The commission does not have jurisdiction over motor carriers solely:
  - a. Carrying on the business of transporting passengers exclusively within the limits of any municipality in this State for which they have a license to operate within that municipality;
  - b. Transporting passengers to or from state institutions located in Richland County; or
  - 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**103–133. Proof Required to Justify Approving an Application.**

Applications cannot be amended within forty-eight (48) hours of a scheduled hearing, unless leave to amend the application is granted by the commission.

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 applicant applies for authority for more than three contiguous counties. 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 determines 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. Additionally, the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.

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 and serving the same number of copies on ORS, 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 determines 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 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. The applicant must demonstrate a willingness to comply with all commission regulations.

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, USDOT and other federal safety regulations and guidelines.

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

In addition to meeting the requirements set out in 103-133(4) above and any and all definitions addressed in the Federal Motor Carrier Safety Regulations (Code of Federal Regulations, Title 49, Parts 40 and 355-397) hereinafter known as the Carrier Safety Administration (CSA) Safety Regulations, 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 ABC, 4lbs. or more 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 ORS 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

7. PC&N (Class C-Taxi and Class C-Charter Carriers).

In addition to meeting the requirements set out in 103–133(4) above, applicants for a Certificate of PC&N for Class C Taxi and Class C Charter authority, as well as all vehicle drivers operating under such authority, must meet the following requirements and provide the following information to the ORS upon request:

A. Owner and Driver Qualifications/Requirements.

1. All drivers must be a minimum of 18 years of age.
2. Driving Record - A certified copy of the driver's three (3) year driving record issued by the South Carolina Department of Motor Vehicles and such record from the DMV of the state in which the driver is or has been domiciled for such period.
3. State Criminal Background Check - A criminal history background check from the state where the driver currently lives.
4. Drivers License - All drivers operating a vehicle under a Class C Taxi or Class C Charter certificate must have in their possession at the time of such operation a valid drivers license issued by the South Carolina Department of Motor Vehicles or the current state of residence of the driver.
5. Sex Offender Registry - All Class C Taxi Certificate and Class C-Charter Certificate holders are prohibited from employing or leasing vehicles to drivers who are registered, or required to be registered, as a sex offender with the South Carolina State Law Enforcement Division (SLED) or any national registry of sex offenders. All certificate holders who are registered, or required to be registered, as a sex offender with SLED or any national registry of sex offenders are prohibited from driving a taxi cab or limousine. Any driver who is placed on a Sex Offender Registry shall notify the ORS and the certificate holder under which he operates of his status and shall immediately cease to operate his taxi cab or limo.
6. Engaging in Business - An applicant for a Class C Taxi Certificate shall designate on his/her application those counties it can reasonably supply the service requested. Any applicant who has not provided the service requested in its application within 90 days of approval to begin operation of that certificate, without good cause shown or who has not filed with the commission an amended application, shall have its authority revoked.

B. Owner and Driver Conduct/Vehicle Qualifications.

1. Owners and drivers shall inspect the vehicle that the driver is operating daily to ensure that it can be operated safely.
2. Owners and drivers shall ensure that the interior of the vehicle is kept in a clean and sanitary condition.
3. Owners and drivers shall ensure that the general mechanical condition of his/her vehicle is in good operating condition and mechanical repair.
4. Owners and drivers shall ensure that the vehicle exterior meets the requirements set forth in Regulation 103–153.
5. Owners and drivers shall ensure that jack, spare tire, and other equipment in the trunk or other storage area of the vehicle is secured, and covered with appropriate material to avoid damage to a passenger's luggage or other possessions.
6. Duty to Transport Orderly Passengers - Each driver shall transport all orderly passengers willing and able to pay the required fare, requesting his or her services to the passenger's requested destination.
7. Passenger Discharge - Drivers shall not dismiss, discharge, or otherwise require any passenger to leave the vehicle other than at the passenger's requested destination without reasonable cause. For this purpose, "cause" means, but is not limited to, the vehicle becoming disabled, the passenger

becoming disorderly by refusing to pay the authorized fare, or dangerous driving conditions. A driver who requires a passenger to leave the vehicle other than at the passenger's requested destination shall do so only at a well-lit public place, or (if the vehicle has become disabled) to another vehicle, and shall immediately notify his or her affiliated company of all the details of the incident.

8. Receipt - Each driver shall, upon request of the passenger making payment, and upon receipt of full payment for the authorized fare, give a receipt to the passenger making the payment.

9. Lost and Found - Any property left by a passenger in a vehicle shall be reported by the driver to his or her affiliated company within 30 minutes after its discovery, and thereafter returned to the passenger or the affiliated company as soon as possible, but in any event within 12 hours after its discovery, at the passenger's expense.

10. Identification Badges - While in operation, each driver shall have attached to the interior of the vehicle, in such a way as to be visible by passengers in the rear seat of the taxi, some form of picture identification. Such identification should display as a minimum the driver's name, picture, and the name of the holder of authority under a Certificate of PC&N under which the driver is operating. This paragraph is inapplicable to Class C-Charter Carriers.

11. Driving Record - Each driver shall, not less frequently than annually, provide an updated copy of his or her motor vehicle driving record to the company he or she is affiliated with or leasing.

12. Manifests.

A. The driver of a taxi cab shall keep a daily manifest. The manifest shall contain the following information, which shall be recorded at the time specified:

1. The hour and date at which the vehicle becomes available for use as a taxi cab, the name of the driver and the make, registration number of such vehicle shall be recorded before the driver proceeds to pick up his first passenger or package delivery.

2. The time and place of commencement and the number of passengers or packages shall be recorded when such passengers or packages are picked up.

3. The name and place of delivery of the passengers or packages and the amount of the fare charged shall be recorded immediately after each trip is terminated.

4. The time and place shall be recorded immediately after the driver ceases to operate the taxi cab for hire for the day.

8. PC&N (Stretcher Vans).

Stretcher van service is a mode of non-emergency transportation which may be provided to an individual who cannot be transported in a taxi or wheelchair van due to being non-ambulatory. Stretcher vans are not required or authorized to provide medical monitoring, medical aid, medical care or medical treatment of passengers during their transport. Self-administered oxygen is permitted. In addition to meeting the requirements set out in 103-133(4) and 103-133(6) above, applicants for a Certificate of Public Convenience and Necessity for stretcher van vehicles must meet the following requirements:

A. Driver and Assistant Driver Qualifications/Requirements

1. While providing transportation for hire, all stretcher vans shall be staffed by both a primary and an assistant driver. In addition to the general requirements provided for in 103-133(6) (A), stretcher van drivers and driver assistants shall be trained in transferring, loading and unloading passengers in stretchers.

2. A stretcher van passenger shall not be left unattended at any time.

3. The driver and driver assistant shall confirm that all restraining straps are fastened properly and the stretcher, stretcher fasteners and anchorages are properly secured prior to the vehicle transporting a passenger.

4. The driver assistant shall be seated in the passenger compartment while the vehicle is in motion and shall notify the driver of any change in the passenger's status.

5. All drivers and assistant drivers must be a minimum of 18 years of age.

6. Driving Record - The certificate holder must obtain and retain a certified copy of the driver's and the assistant driver's three (3) year driving records issued by the South Carolina Department of

Motor Vehicles and such records from the DMV of the state in which the driver or the assistant driver is or has been domiciled for such period.

7. State Criminal Background Check - The certificate holder must obtain and retain criminal history background checks from the state where the driver and assistant driver currently live.

8. Drivers License - All drivers and assistant drivers operating a stretcher van must have in their possession at the time of such operation valid drivers' licenses issued by the South Carolina Department of Motor Vehicles or the current state of residence of the driver or assistant driver.

9. Sex Offender Registry - All stretcher van certificate holders are prohibited from employing drivers and assistant drivers who are registered, or required to be registered, as sex offenders with the South Carolina State Law Enforcement Division (SLED) or any national registry of sex offenders. All drivers and assistant drivers who are registered, or required to be registered, as sex offenders with SLED or any national registry of sex offenders are prohibited from driving a stretcher van. Any driver or assistant driver who is placed on a Sex Offender Registry shall notify the ORS and the certificate holder under which he operates of his status and shall immediately cease to operate the stretcher van.

10. All drivers and assistant drivers must possess a current Red Cross First Aid certification or an American Safety and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross First Aid or the American Safety and Health Institute, and Adult Cardiopulmonary Resuscitation (CPR) certification. The Red Cross First Aid certification must be renewed every three years, and the Adult CPR certification must be renewed annually.

#### B. Vehicle Requirements

1. The stretcher van must be equipped with a stretcher used to transport individuals in the supine or Fowler's position.

2. Passengers shall be loaded headfirst.

3. The approved stretcher shall be elevating and wheeled. A minimum of three (3) patient restraining straps (chest, waist, and thigh) at least two (2) inches wide shall be provided. The stretcher van shall have proper means to secure the stretcher in its position under all conditions. Crash-stable stretcher fasteners must be provided.

4. A stretcher van vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in South Carolina. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be undamaged and kept clean of dirt and debris.

5. Safety belts must be provided for all passengers.

6. Self-administered oxygen must be secured in accordance with AMD (Ambulance Manufacturers Division of the National Truck Equipment Association) Standard 003, "Oxygen Tank Retention System Test."

7. The interior of the stretcher van vehicle shall include secured storage compartments.

8. All storage compartments, supplies and equipment shall be kept clean and sanitary.

9. A stretcher van shall not contain medical equipment or supplies or display any marking, symbols or warning devices that imply that it offers medical care or ambulance transportation.

10. A stretcher van shall not respond or transport a person if the request for service originated within a public dispatch system.

#### C. Limitations and Conditions of Service

1. Stretcher van vehicles shall not be used:

a. To transport a passenger who requires medical monitoring.

b. To transport more than one (1) stretcher passenger at a time.

c. To transport a person who is being administered intravenous fluids.

d. To transport a person who needs or may need oxygen unless that person's physician has prescribed oxygen as a self-administered therapy.

e. To transport a passenger who needs or may need suctioning.

f. To transport a passenger who has sustained an injury and has not yet been evaluated by a physician.

g. To transport a passenger who is experiencing an acute condition or the exacerbation of a chronic condition or a sudden injury or illness.

h. To transport a passenger who needs to be transported from one hospital to another hospital if the destination hospital is the same level or a higher level as the hospital of origin.

i. To transport a passenger who is being evaluated in an emergency room and for any reason must be transported to another hospital for diagnostic tests that are not available at the first hospital.

2. An individual must not be transported in a stretcher van, if the individual has a written statement from a licensed physician stating that the individual must not be transported in a stretcher van.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 24, Issue No. 7, eff July 28, 2000; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009.

### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 and served on the ORS. The application forms shall be 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 and served on the ORS 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 and served on the ORS 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.

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 and serving the same number of copies on ORS, 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. 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 by Class E Certificate Holders. Operating rights issued under a commission Class E Certificate may not be split or divided and thereafter sold, transferred, assigned, mortgaged, pledged, or hypothecated by the sale of stock or otherwise, without prior approval of the commission. Leasing of vehicles by Class C Taxi Certificate holders shall not be considered splitting or dividing operating rights.

6. It is unlawful for any person to sell, lease, or otherwise transfer a Class E 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. Class C Taxi Certificate holders who lease taxi cabs to drivers who have signed agreements agreeing to comply with commission regulations shall not be considered to have leased or transferred its authority. 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.

**HISTORY: Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-136. Protest.**

Protest Served on commission, ORS and Applicant. The original and any accompanying documents of the protest must be deposited in the United States Mail addressed to the commission and ORS or delivered to the commission and ORS 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 motor vehicles with the ORS;
2. Providing proof of insurance, self-insurance as verified by the S.C. Department of Motor Vehicles or a surety bond with the ORS 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 with the commission and the ORS; 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.

c. Upon issuance of a Certificate, the ORS shall provide written notice to the commission stating that the carrier has complied with all provisions of the commission's order.

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

4. Vehicle Appearance, Serviceability, and Operation - No person shall operate a taxi cab or limousine unless such taxi cab or limousine meets the following requirements and all owners shall maintain a taxi cab or limousine in accordance with the following requirements:

- a. All taxi cab and limousine windows must be free of cracks and all in working order for the passenger to raise or lower as they wish.
- b. All taxi cab and limousine drivers shall keep their vehicles free from disfiguring damage to the interior of the vehicle, including significant rust, seat tears or holes and falling or torn headliners.
- c. All taxi cab and limousine doors, lights, and safety equipment shall be maintained in good operating condition. All seatbelts shall be visible and available for use by passengers in both the front and rear seats for each and every fare.
- d. All taxi cabs and limousines shall be equipped with doors which fasten in a manner so that they may be readily opened from the inside by a passenger.
- e. All taxi cab and limousine owners and drivers shall keep the interior and exterior of his or her taxi cab or limousine in a clean and sanitary condition at all times.
- f. All taxi cab and limousine owners and drivers shall ensure that all vehicle systems are in safe working order prior to the commencement of work each day.
- g. No taxi cab or limousine driver or owner shall fasten or lock the doors of a taxi cab or limousine so that it is impossible for a passenger to open them from the inside.
- h. Each taxi cab or limousine owner or driver shall search the interior of the taxi cab or limousine at least once each day for articles left in the cab. The driver shall immediately take such property to the principal office of the certificate holder for safekeeping and proper disposition.
- i. No taxi cab driver shall operate a taxi cab for more than twelve hours in any twenty-four hour period.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-151. Registration of Motor Vehicles.**

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



2. Adding Motor Vehicles to Operation. New or additional motor vehicles may be added to an operation at any time by appropriately registering the motor vehicle and paying the appropriate license fee.

3. Transferring Permit Cards and Decals. The permit card for a motor vehicle may be transferred to another motor vehicle upon presentation of the vehicle permit card to the ORS 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. Motor Vehicles to Be Re-registered. All registered motor vehicles to be continued in service must be re-registered each year as follows:

Motor carriers transporting passengers must provide a list of and re-register the motor vehicles 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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 motor vehicles 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ORS, and passenger vehicles shall have displayed on the front windshield of the power unit of such vehicles the license decals as issued by the ORS upon proper registration of the vehicle.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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. 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 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 by certified public scale, 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.;
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. Rate per hundred weight or rate per hour, whichever is applicable (motor carriers of household goods); and
14. Base liability amount of the carrier for its cargo.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 provide and have accepted by the ORS evidence of insurance policy or surety bond from an insurance company licensed or admitted to do business in South Carolina or self-insurance 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. The ORS shall accept evidence of self-insurance in compliance with S.C. Code Ann. §56–9–60. 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 ORS 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–171. Filing Evidence of Bodily Injury and Property Damage Insurance Policy, Self-Insurance 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 23A S.C. Code Ann. Regs. 38–447) The policy or a copy thereof will not be accepted for filing in lieu of Form E. Self insureds shall have the SCDMV submit a self-insurance certificate in lieu of a 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 23A S.C. Code Ann. Regs. 38–447), 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. Self insureds shall have the SCDMV submit a self-insurance certificate in lieu of a Form F.

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 23A S.C. Code Ann. Regs. 38–447), which insures compliance with limits not less than those in 103–172 and with other applicable provisions of these rules. Self insureds shall have the SCDMV submit a self-insurance certificate in lieu of a Form G.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 LIABILITY LIMITS  
EQUIPMENT & CAPACITY  
PASSENGER

1 to 7 Passengers \$25,000.00 \$50,000.00 \$25,000.00  
 8 to 15 Passengers \$25,000.00 \$100,000.00 \$25,000.00  
 16 or More Passengers \$25,000.00 \$300,000.00 \$25,000.00

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.)

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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 mail to the ORS evidence of such insurance or bond on forms prescribed by 23A S.C. Code Ann. Regs. 38-447, 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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 23A S.C. Code Ann. Regs. 38-447) 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 23A S.C. Code Ann. Regs. 38–447), 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 23A S.C. Code Ann. Regs. 38–447), which insures compliance with the terms of 103–173 and with other applicable provisions of these rules.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–175. Revocation of Certificate.**

A failure to file evidence of insurance, self-insurance or surety bond 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. A failure to keep all insurance, self-insurance or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission’s order granting authority, the certificate, and any license issued to the motor carrier, with the suspension becoming operative as of the effective date of the cancellation of the motor carrier’s insurance, self-insurance or surety bond.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 the ORS not less than thirty (30) days notice. The thirty (30) days will begin to run once the notice is received by the ORS.

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 23A S.C. Code Ann. Regs. 38–447), will be used to notify the ORS of cancellation of an insurance policy, and Form L, “Uniform Notice of cancellation of Motor Carrier Surety Bonds” (see Form L in 23A S.C. Code Ann. Regs. 38–447), will be used to notify the ORS of cancellation of a surety bond.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–177. Name of Insured.**

Certificates of insurance, self-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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–178. Number of Copies Required.**

Certificates of insurance, self-insurance notices of cancellation, and surety bonds must be provided to the ORS in triplicate.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–179. Coverage to be Continuous.**

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

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume Issue 22, No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 upon notice and hearing, if deemed necessary, 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 and provide a copy to the ORS.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–195. Duties of Class E Household Good Movers 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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.



### **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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume No. 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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. Moves may be performed without charge to valid 501(c)(3) organizations.

**HISTORY:** Amended by State Register Volume No. 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–199.5. Adjustment of Bills.**

If it is found that a household goods motor carrier 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 by such carrier than that prescribed in the schedules of such carrier 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 carrier 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 carrier has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the carrier shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed.
2. Customer Inadvertently Undercharged. If the carrier has undercharged any customer as a result of a misapplied schedule, or any human or machine error, then the carrier may recover the deficient amount. The customer shall be allowed to pay the deficient amount, in equal installments over a period of six months.
3. Customer Willfully Overcharged. If the utility has willfully overcharged any customer, the carrier shall refund the difference, plus interest, as prescribed by the commission.

4. Customers and Carriers shall have two (2) years from the date of the transaction in question in which to apply for an adjustment as provided in this Regulation.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.

**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 ORS after approval by 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 that the lessee has exclusive possession, control, and use of the power unit and bears the complete assumption of public responsibility (i.e., insurance) for the vehicle 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 and provided to the ORS. 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. The commission and the ORS Must Be Notified When Agreement Ceases. The lessee shall notify the commission and ORS 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.

**HISTORY: Amended by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 34, Issue No. 5, eff May 28, 2010.**

### **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 ORS 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.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–231. Annual Reports.**

Every motor carrier operating under a Certificate of PC&N and FWA shall file with the commission and ORS 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 June 30<sup>th</sup>. 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 5, eff May 27, 1988; State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue no. 5, eff May 23, 2008.

### **103–233. Inspection of Vehicles, Books, Records, etc.**

1. Carrier to Cooperate with Inspections. Auditors, accountants, inspectors, examiners, and other agents of the ORS, 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 ORS 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 ORS 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 the ORS or as may be directed by the commission and ORS or by a court or judge thereof.

3. Refusal to Allow Inspection Is Violation. Refusal of any carrier or employee of any carrier or independent contractor operating a motor vehicle pursuant to the carriers certificated authority issued by the commission 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 Section 58-23-80.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## 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.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998. Amended by State Register Volume 23, Issue No. 3, eff March 26, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

#### **103-241. Inspectors.**

The ORS, 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.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 32, Issue No. 5, eff May 23, 2008.

## 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. 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 103–302(5), 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 or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the commission that such waiver is not contrary to the public interest.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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. 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, special purpose district, or other governmental unit merged thereinto.
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. 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.
5. 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.
6. Electrical Utility. The term ‘electrical utility’ includes municipalities to the extent of their business, property, rates, transactions, and operations outside 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, special purpose district or municipality furnishing electricity only to himself or itself, their resident employees or tenants when such current is not resold or used by others.

7. 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'.

8. ORS. The South Carolina Office of Regulatory Staff.

9. 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.

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

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 the 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 provided to the ORS and filed with the commission and subject to approval in accordance with S. C. Code Ann., § 58-27-840.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 the ORS, 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 and the ORS 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 provided to the ORS, 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 the 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 provided to the ORS and subject to review and order of the commission, unless otherwise specified.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 ORS or its authorized representatives at all reasonable hours.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 a minimum of two years.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-312. Data to be Filed with the Commission and Provided to the ORS.**

1. Annual Report. Each electrical utility operating in this State shall file an Annual Report with the commission and the ORS giving such information as the commission may direct. This Annual Report shall include the same information included in FERC Form 1; thus, the electrical utility can file its FERC Form 1 with the commission and the ORS or an Annual Report with the equivalent information.

2. Current Information and Documents. The electrical utility shall file with the commission and provide to the ORS 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.

3. Tariffs must be filed with the office of the chief clerk of the commission and, on that same day, provided to the Executive Director of the ORS.

B. Customer Bill

A copy of each type of bill form used in billing for electric service must be provided to the ORS.

C. Operating Area Map



1. Suitable maps and “one-line diagrams” shall be made available to the ORS 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 Public 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 and the ORS of 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 is to be provided to the ORS.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103–313. Inspection of Utility Plant.**

A. Each utility shall, upon request of the commission or the ORS, provide the ORS with a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as the commission or the ORS 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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 and the ORS are 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 and the ORS after restoration of service if such interruption is for more than six hours duration.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103–315. Incidents.**

A. Each electrical utility shall, as soon as practicable, report to the ORS each material incident in connection with the operation of the electrical utility’s property, facilities, or service including, but not limited to: (a) serious injury or death of any person; (b) evacuation; and (c) damage to a customer’s or third party’s property that will require, in the electrical utility’s commercially reasonable estimation, repair costs in excess of \$15,000. Such first report shall later be supplemented within thirty (30) days by a statement of the cause and details of the incident, based on the facts then known to the electrical utility, and the measures, if any, that have been taken to reduce the risk of similar incidents in the future.

B. Each electrical utility shall establish and follow procedures for analyzing, reporting, and minimizing the possibilities of any future incidents.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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 electrical utility and for at least 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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. Information necessary for identifying the meter.
- d. 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.
- e. The accuracy "as found" at "Light Load" and at "Full Load", or "Test Amperes".
- f. The accuracy "as left" at "Light Load" and at "Full Load", or "Test Amperes".

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

## **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 103-323.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-321. Meter Reading.**

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis not less than twenty-eight days nor more than thirty-four days.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-322. Meter Reading Data.**

The Meter Reading Data maintained by the electrical utility shall include:

- 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 applicable.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 defective to impair its performance, 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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 or locking device in order to avoid tampering. The meter installation shall be sealed or locked to help prevent tampering or theft of current.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Added by State Register Volume 5, eff April 24, 1981. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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 sixty 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 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 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 contact 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 person making a complaint recorded pursuant to 103–345 that the electrical utility is under the jurisdiction of the commission and the customer may notify the ORS of the complaint.

**HISTORY:** Amended by State Register Volume 5, eff April 24, 1981; State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four 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 an electrical utility, 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 up to the amount of the maximum deposit, or
3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four months, or
4. A customer has had his service terminated for non-payment or fraudulent use, or

5. A non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria (even if the customer has not yet defaulted or caused a default on a payment obligation to the utility) and has not negotiated an alternative payment plan designed to mitigate the utility's risk of loss. The electrical utility may use a variety of security options other than the payment of a two-month cash deposit, including but not limited to accelerated payment plans, surety bonds, bank letters of credit or some combination of the above. All electrical utilities engaging in negotiated payment solutions must provide a copy of their respective internal credit risk rating criteria upon request by the Office of Regulatory Staff.

B. If the electrical utility elects to require a deposit under Subsection (A)(5) of this Rule, then the electrical utility shall inform the affected customer of the provisions of this Rule.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **103-332. Amount of Deposits.**

A. A maximum deposit may be required up to an amount equal to an estimated two months (sixty 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 consecutive months based on the experience of the preceding twelve 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 sixty days' usage for categories of customers may be utilized in determining deposits required by the electrical utility upon being provided to the ORS and filed and approved by the commission.

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

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 six months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer at least every two years or less 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-336. Deposit Retention.**

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

B. An electrical utility shall not be required to refund the deposit if a non-residential customer or its parent company is experiencing financial difficulties as determined by an electrical utility using its respective internal credit risk rating criteria and/or if bankruptcy may be imminent, even though the customer continues to make billed payments in timely manner.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.**

### **103-337. Unclaimed Deposits.**

A record of each unclaimed deposit must be maintained for at least one year, 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. State Treasurer as prescribed by state law.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 seventy-two hours after service has been disconnected and applies for reconnection, the electrical utility may not charge an additional deposit except under the provisions of regulation 103-332.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-339. Customer Billing.**

The electrical utility shall bill each customer as promptly as possible following the reading of the 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 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 charge of no more than one and one-half percent (1 1/2 %) may be added to any unpaid balance not paid within twenty-five 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. The electrical utility, at its option for good cause, may refuse to accept a check, debit card, credit card or other electronic payment tendered as payment on a customer's account. "Good cause" must be justified by an electrical utility by evidencing a credit history problem or by evidencing insufficient funds of the utility customer or applicant.

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 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.

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 sixty-day period, unless otherwise agreed to by the customer.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 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. § 58-27-960, and § 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 twelve-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 twelve-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, 2 and 4 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 twelve 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 twelve 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 electrical 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 electrical utility and the applicant, obligating the applicant to pay for service in accordance with the electrical utility's tariff or rate schedule currently on



file with the commission and the ORS, and to comply with the commission's and the electrical utility'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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 electrical 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 regulation 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 electrical utility's seals is prohibited by law and shall not be tolerated by the electrical 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 electrical utility find that the meter, conductors, or seals have been tampered with, the electrical 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 electrical 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 regulation 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 regulations.
- 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 regulation 103-352.
  - h. For failure of the customer to provide the electrical utility with a deposit as authorized by regulation 103-331.
  - i. For failure of the customer to furnish permits, certificates, and rights-of-way, as necessary to obtain 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 and the ORS.

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 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 electrical utility's service conflicts with, or violates orders, ordinances or laws of the State or any subdivision thereof, or of the commission.

**HISTORY:** Amended by State Register Volume 5, eff May 22, 1981; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register 32, Issue No. 5, eff May 2008.

### **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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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, maintenance, repair, and for any other purpose which is proper and necessary in the conduct of the electrical utility's business. Such agents shall, upon request of a customer, produce proper identification and inform the customer of the purpose of necessary access to the occupied premises.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-345. 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 to include the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof as will enable it to review and analyze its procedures and actions.

B. When the ORS 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 ORS's investigation is completed and the results have been received by the electrical utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission within fifteen days of the ORS mailing the results of the ORS investigation, along with a copy of regulation 103-345, to the complainant. If the complainant does not file the complaint with the commission within fifteen days, service can be discontinued.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-346. Rates for Service, Rate Schedules, 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 provided to the ORS and the commission 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-347. System Which Electrical 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-348. System Extensions.**

Each electrical utility 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 and the ORS within areas assigned to it by the commission and within three-hundred feet of its lines as they existed on the date of assignment.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 regulation 103-373.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 to be paid prior to relocation.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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. Special Needs Customers.

a. A statement that service to a residential customer who qualifies as a special needs account customer shall only be terminated in accordance with S.C. Code Ann. §58-27-2510 *et. seq.*, as amended. All electrical utilities shall publish their procedures for termination of service on their websites.

b. 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 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 ORS Staff and include the ORS's toll free telephone number.

b. Not more than two 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 are subject to termination of service to notify him that his service is subject to termination for non-payment. Alternatively, not more than three 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 regulation 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 days written notice, if personally delivered, or upon five days notice by mail.

d. If a residential customer informs the electrical 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 the customer.

e. The electrical utility shall maintain a record of all deferred payment plans established with customer subject to termination for a period of two 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 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. 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 electrical utility's 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 electrical utility; provided, however, that in certain areas where it has been determined by the electrical utility that the safety of its employees warrants it, those employees shall not be required to accept payments from customers subject to termination.

**HISTORY: Added by State Register Volume 5, eff April 24, 1981. Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**103-362. Acceptable References.**

Part 2 of the "National Electrical Safety Code" (latest edition), is considered by the 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 fifteen 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.

The voltage variations for service 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 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 residential or small non-residential customers 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 electrical 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 electrical utility from the point of attachment of the electrical 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 non-residential or industrial customers' 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

## 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 requested by the ORS or as may be approved or ordered by the commission.

1. All electric meters shall be tested and calibrated under the applicable periodic or sample testing plan as prescribed by the American National Standards Institute (ANSI) Standard C12 - Code of Electricity Meters. Results from sample-tested meters shall be communicated to the ORS on an annual basis.

#### 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-371. ORS Inspections and Tests.**

The ORS shall make tests of meters as follows:

a. Upon written request to the commission or ORS 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 ORS shall notify the electrical utility, and the electrical utility shall not knowingly remove or adjust the meter until instructed by the ORS. The ORS shall supervise the test of the meter, using the standard approved by the commission 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 the customer or the customer's representative to be present.

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

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 or other orders of the commission or as requested by the ORS, 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 or the ORS.

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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 defective to impair its performance, 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, contract vendor by or on behalf of the electrical utility or by the ORS 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 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

## 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 regulation 103–361.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ORS in the investigation of the cause of incidents and shall give reasonable assistance to the commission and the ORS in the determination of suitable means of preventing incidents.

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

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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. 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 the commission, the Office of Regulatory Staff, or the utilities of any duties under the laws of this State.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rules or regulations may be waived by the commission upon a finding by the commission that such waiver is not contrary to the public interest.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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. Consolidated Political Subdivision. A “consolidated political subdivision” means that it exists pursuant to the Constitution of this State, and shall not be deemed a city, town, county, special purpose district or other governmental unit merged thereinto.
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. "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.

5. 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.

6. Gas System. "Gas System" includes any 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. § 58-5-920(f) (1976).

7. 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.

8. 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.

9. ORS. "ORS" means the Office of Regulatory Staff.

10. PHMSA. Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation ("DOT").

11. 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.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 the 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 provided to the ORS and filed with the commission within seven (7) days of execution.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 ORS, 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 provided to the ORS and filed with and subject to review and order of the commission, unless otherwise specified.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 ORS at all reasonable hours.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–412. Data to be Filed with the Commission and Provided to the ORS.**

1. Annual Report. Each gas utility operating in this State shall make an annual report to the commission and ORS giving such information as the commission may direct. This Annual Report shall include the same information included in FERC Form 2; thus, the gas utility can file its FERC Form 2 with the commission and the ORS or an Annual Report with the equivalent information.

2. Current Information and Documents. The gas utilities shall file with the commission and provide to the ORS 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.

C. Tariffs must be filed with the office of the Chief Clerk of the commission and, on that same day, provided to the Executive Director of the ORS.

2.2. Customer Bill. A copy of each type of bill form used in billing for gas service must be provided to the ORS.

2.3. Operating Area Map. A map showing the gas systems operating area. This map shall be revised as necessary and made available to the ORS upon request. 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 and ORS 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 shall be provided to the ORS.

2.6. Pipeline Safety. All gas systems subject to pipeline safety regulation shall file with the commission and provide to the ORS those reports, policies and procedures required by the Federal Pipeline Safety Regulations: Minimum Safety Standards for the Transportation of Natural Gas and Other Gas, 49 C.F.R., as amended from time to time, to include, but not limited to, the following:

- a. Inspection and maintenance manual.
- b. Emergency plan.
- c. Welders. Listing of welders and proof of qualifications.

2.7. New Construction. All gas systems subject to pipeline safety regulation shall notify the commission and the ORS of any construction projects meeting either of the criteria below:

- A. Projects resulting in a cost of \$500,000 or more, whether steel, plastic, or other materials are installed or;
- B. Projects involving 25,000 feet of piping or more, whether steel, plastic, or other material(s) are utilized.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-413. Inspection of Gas Systems.**

A. Each gas system shall, upon request of the commission or ORS, provide to the ORS a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as the commission or ORS may require.

B. Each gas system shall keep sufficient records to give evidence of compliance with its inspection program.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 and ORS are 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 and ORS after restoration of service, if such interruption is more than six hours in duration.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–415. Incidents.**

A. Each gas system shall, as soon as possible, report to the ORS each incident occurring wherein there exist either: (a) serious injury or death of any person; (b) property damage in excess of \$5,000, in the gas system's commercially reasonable estimation, including the gas system's cost of lost gas exiting the gas system's lines to a customer's meter and the expense to make repairs to its facilities or property; or (c) an event that is significant in the judgment of the gas system.

B. Each gas system shall establish and follow procedures for analyzing, reporting and minimizing the possibilities of any future incidents.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 at least 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 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 (up to 10,000 cfh).
4. The accuracy "as left" at check and open rated flow (up to 10,000 cfh).

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 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

**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 regulation 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-421. Meter Reading.**

Unless extenuating circumstances prevent, meters shall be read and bills rendered on a monthly basis of not less than twenty-eight days nor more than thirty-four days.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-422. Meter Reading Data.**

The meter reading data maintained by the gas utility shall include:

- 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, or special reading instructions, if applicable.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-423. Meter Accuracy and Condition.**

A. Every gas meter, whether new, repaired, or removed from service, shall be in good order before being installed for the use of any customer and shall be correct to within the limits prescribed in regulation 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 impair the performance of such meter.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-424. Meter Seal.**

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

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-425. Configuration and Location of Meter.**

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

B. Outdoor meters shall be used where practicable.

C. Each customer shall provide and maintain at the customer's expense a suitable and convenient place, agreeable to the gas system, for the location of meters, where the meter will be readily accessible at any reasonable hour for the purpose of reading, testing, repairing, etc., and such other appliances owned by the gas system and placed on the premises of the customers shall be placed as to be readily

accessible at such times as are necessary, and the authorized agent of the gas system shall have authority to visit such meters and appurtenances at such times as are necessary in the conduct of the business of the gas system.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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 the 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 to the commission and ORS 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 approved by the commission, are available for inspection at the gas utility.

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 regulation 103-445, that the gas utility is under the jurisdiction of the commission and the customer may notify the commission and ORS 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 ORS shall be informed by the gas utility whenever such notification has been given to its customers.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four 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 utility, 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, up to the amount of the maximum deposit, or

3. A customer has no deposit and presently is delinquent in payments, i.e., has had two consecutive thirty-day arrears, or more than two non-consecutive thirty-day arrears in the past twenty-four 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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-432. Amount of Deposit.**

A. A maximum deposit may be required up to an amount equal to an estimated two months (sixty 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 consecutive months based on the experience of the preceding twelve 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 sixty days usage for categories of customers may be required by the company upon being provided to the ORS and filed and approved by the commission.

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

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 months.

B. The interest shall be accrued annually and payment of such interest shall be made to the customer every two years or less 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.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-436. Deposit Retention.**

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

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-437. Unclaimed Deposit.**

A record of each unclaimed deposit must be maintained for at least one year, 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 State Treasurer as prescribed by state law.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 seventy-two hours after service has been disconnected and applies for reconnection, the gas utility may not charge an additional deposit except under the provisions of regulation 103-432.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-439. Customer Billing.**

The gas utility shall bill each customer as promptly as practicable following the reading of the 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 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 charge of no more than one and one-half percent (1 1/2 %) may be added to any unpaid balance not paid within twenty-five 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. The gas utility, at its option for good cause, may refuse to accept a check, debit card, credit card or other electronic payment tendered as payment on a customer's account. "Good cause" must be justified by a gas utility by evidencing a credit history problem or by evidencing insufficient funds of the utility customer or applicant.

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 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.

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 sixty day period, unless otherwise agreed to by the customer.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 regulation 103-472.

b. In the event that the meter so tested is found to have an error in registration of more than two 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 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., § 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 twelve 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 twelve-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 twelve 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 twelve 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 an appropriate estimated usage.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 the ORS, 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 regulation 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 regulation 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 regulation 103-442 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 gas utility reasonable access to its equipment.
- g. 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 regulation 103-452.
- h. For failure of the customer to provide the gas utility with a deposit as authorized by regulation 103-431.
- i. 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.
- j. 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 and ORS.
- k. 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 years prior to the time of application.

1. The gas utility may terminate a customer's service should the customer be in arrears on an account for service at another premises.

**HISTORY:** Amended by State Register Volume 5, eff May 22, 1981; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-444. Right of Access.**

Authorized agents of the gas system 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, maintenance, repair, observing the manner of using service and for any other purpose which is proper and necessary in the conduct of the gas system's business.

Such agents shall, upon request of a customer, produce proper identification and inform the customer of the purpose of necessary access to occupied premises.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-445. Complaints.**

A. Complaints concerning the charges, practices, facilities, or service of the gas utility, shall be investigated promptly, thoroughly and professionally by the gas utility. 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. 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 ORS 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 ORS's investigation is completed, and the results have been received by the gas utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission within fifteen days of ORS mailing the results of the ORS investigation, along with a copy of regulation 103-445, to the complainant. If the complainant does not file the complaint with the commission within fifteen days, service can be discontinued.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 regulation 103-475 and shall be subject to the provisions of regulation 103-472.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 to be paid prior to the relocation.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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 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. Special Needs Customers.

a. A statement that service to a residential customer who qualifies as a special needs account customer shall only be terminated in accordance with S.C. Code Ann. §58-5-1110 *et. seq.*, as amended. All gas utilities shall publish their procedures for termination of service on their websites.

b. 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 ORS and include the ORS's toll free telephone number.

b. Not more than two 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 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 one-sixth of the outstanding balance for a period not to exceed six months. The outstanding balance may include the late payment charge authorized by regulation 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 days written notice, if personally delivered, or upon five 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 the customer.

e. The gas utility shall maintain a record of all deferred payment plans established with customer subject to termination for a period of two 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.

**HISTORY: Added by State Register Volume 5, eff April 24, 1981. Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.**



**SUBARTICLE 5  
ENGINEERING**

**103-460. Criteria for Good Engineering Practice.**

The gas plant of a gas system 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-461. Acceptable Standards.**

Unless otherwise specified by the commission, after hearing if requested, the gas system 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 edition of the American Standard Code for "Gas Transmission and Distribution Piping Systems", ANSI B31.8. as referenced in the Federal Pipeline Safety Regulations.
- 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 edition of the NFPA No. 59, "The Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" as referenced in the Federal Pipeline Safety Regulations.
- 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 edition of NFPA No. 59A, "Storage and Handling of Liquefied Natural Gas" as referenced in the Federal Pipeline Safety Regulations.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-462. Acceptable References.**

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".

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-464. Inspection of Plant.**

Each gas system 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 system's experience and accepted good practice.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **103-465. Inactive Service Lines.**

1. Service Lines. Each gas system shall conduct a study at intervals not exceeding twenty-four 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 twenty-four months by leakage survey to detect conditions detrimental to public safety.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

## **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, as requested by the ORS 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 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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

### **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)-Ten years.
  - (2) 251 to 3000 c.f./hr (at .5 in. water column differential pressure)-Three years.
  - (3) Over 3000 c.f./hr. (at .5 in. water column differential pressure)-Two years.
- b. Orifice Meters. Six Months.
- c. Turbine Meters. Six Months.

d. Base Pressure Correcting Devices.	Two Years.
e. Base Volume Correcting Devices.	Two Years.
f. Recording Pressure and Temperature Gauges.	One Year.
g. Secondary Standards.	
(1) Test Bottles, one cubic foot	Five Years.
(2) Dead Weight Testers including Weights	Five Years.
h. Working Standards.	
(1) Bell Provers	Five Years.
(2) Flow Provers	Five Years.
(3) Transfer Provers	Five Years.
(4) Laboratory Quality Indicating Pressure Gauges	Six Months.
(5) Laboratory Quality Thermometers	Six Months.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-473. ORS Inspection and Tests.**

The ORS shall make tests of meters as follows:

a. Upon order of the commission or request to the ORS by a customer or gas utility, a test will be made of customer's meters as soon as practicable.

b. On receipt of such request the ORS shall notify the gas utility and the gas utility shall not remove or adjust the meter until instructed by the ORS. The gas utility shall furnish to the ORS'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 ORS shall make a written report of the results of the test to the customer and to the gas utility.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 or as requested by the ORS. 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 ORS.

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 ORS 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 five 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 ORS. 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 and the ORS.

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.

**HISTORY: Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.**

**103-475. Test Procedures and Accuracies.**

1. Pre-Installation Inspection.

a. Every meter and/or associated metering device shall be inspected and sealed 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 when returned to the meter shop prior to being placed back in service.

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 ten p.s.i.g.

b. Meters removed from service and returned to the meter shop shall, prior to being placed back in service, be tested and subjected to an internal pressure of 1.1 times the maximum operating pressure of the meter and checked for the presence of leaks by one of the tests listed under subsection 4 below.

c. 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 sixty-seven 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 fifty 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 ORS 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 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 twenty-four hours.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

#### 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 and the ORS 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ensure detections of abnormal system pressures. No gas system shall maintain less than two such recording pressure gauges of which one should be portable. Electronic and/or remote type devices may be utilized in addition to maintaining a portable pressure recording gauge.

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 year period. These records may be electronic with suitable back-up means, and the ability to generate a hard copy upon request of the ORS.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## SUBARTICLE 8 SAFETY

### **103-490. General.**

A. The commission hereby adopts the Federal Minimum Safety Standards for the Transportation of Natural and Other Gas, 49 C.F.R. as applicable to gas systems and as amended from time to time, except where otherwise ordered by the commission.

B. Under the authority of S. C. Code Ann. § 58-5-980 (1976), the commission herein establishes additional minimum safety standards, as noted infra. Such modifications reflect additional requirements to those established by 49 C.F.R., and are not to be construed as deleting the existing Federal requirement.

C. Under the authority of S. C. Code Ann. § 58-5-960 (1976), the safety standards adopted by the commission apply to all gas systems.

D. As criteria of accepted good safety practice, in addition to those of 49 C.F.R., as amended from time to time, the commission will use the applicable provisions of the standards listed in regulation 103-461.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 ORS in the investigation of the cause of accidents and shall give reasonable assistance to the commission and the ORS 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **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 comply with the Federal Regulations: Minimum Safety Standards for the Transportation of Natural and Other Gas, 49 C.F.R., as amended from time to time:

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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103-493. Leakage.**

1. General. Any notice to the gas system of a leak or odor or notification of damage to gas facilities reported by any source shall constitute the need for immediate action by the gas system. In the event

that the response time exceeded one (1) hour, the reason should be included in the report to the ORS as well as the grade level of the leak and other pertinent information.

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 months.

4. Vegetation Leakage Surveys.

Vegetation type leak surveys are prohibited.

**HISTORY:** Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–494. Interruptions in Service.**

A. Each gas system shall adopt and file with the commission, for approval, and provide a copy to the ORS 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.

**HISTORY:** Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

## **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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 and the ORS 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 or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rules or regulations may be waived by the commission upon a finding by the commission that such waiver is not contrary to the public interest.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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. 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".

#### **103-502.3. 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.

#### **103-502.4. 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".

#### **103-502.5. 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 and provide a copy to the ORS (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.

#### **103-502.6. 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. Premises.**

A piece or tract of land or real estate, including buildings and other appurtenances thereon.

#### **103-502.8. 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., § 58-5-240 unless accompanied by the information specified under 103-512(4).

**103-502.9. The Office of Regulatory Staff.**

The executive director and employees of the Office of Regulatory Staff.

**103-502.10. 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.

**103-502.11. 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 5 of this rule and subject to the requirements set forth herein, upon commission order, may be found not to be a utility.

**103-502.12. 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".

**103-502.13. Sewerage or Wastewater 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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(11) 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**103-504. Territory and Certificates.**

No existing public utility supplying wastewater 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 with the commission and provided to the ORS, and after notice has been given to the Department of Health and Environmental Control and to other interested wastewater 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.

**HISTORY: Amended by State Register Volume 24, Issue No. 5, eff May 26, 2000; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 and provided to the ORS.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 with the commission and serving a copy on the ORS 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

## **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 ORS or its authorized representatives at all reasonable hours.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 according to the most current edition of *Regulations to Govern the Preservation of Records for Electric, Gas and Water Utilities*, published by the National Association of Regulatory Utility Commissioners (NARUC). Following are certain modifications to those record retention periods:

(A) Item 30. Plant ledgers:

a. Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by class for the life of the utility.

b. Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc. of physical units (or items) of utility plant owned - life of the utility.

(B) Item 32. Retirement work in progress ledgers, work orders and supplemental records:

a. Work order sheets to which are posted the entries for removal costs, materials recovered and credits to utility plant accounts for cost of plant retired - life of the utility.

(C) Other - Records related to a test year used in a rate adjustment proceeding shall be preserved for a period of two years after the final order in such case or throughout the period that the Order by the Public Service Commission concerning the rate adjustment may be appealed, whichever is later. The utility shall maintain beyond this two-year period sufficient records to verify and substantiate all requirements included in these rules.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103-512. Data to be Filed with the Commission and Provided to the ORS.**

#### **103-512.1. Annual Report.**

Each utility operating in the State shall file an annual report with the commission and provide a copy to the ORS giving accounting and other information as the commission orders. The commission or the ORS 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 and provide a copy to the ORS 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 shall be provided to the commission and the ORS.

##### **103-512.2.2. Special Contract Forms.**

A copy of each special contract for service, including aid to construction agreements, and rate agreements shall be provided to the commission and the ORS.

##### **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 shall be provided to the ORS.

##### **103-512.2.4. Operating Area Maps.**

A map of the utility's operating area. This map shall be revised and submitted to the ORS annually unless such revision is unnecessary, in which event the utility shall notify the ORS 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 and ORS 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 and provide a copy to the ORS 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 based on the verified expenses of the utility for the preceding twelve-month period. 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 ORS 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 the ORS, the ORS 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.**

Upon order of the commission, when any individual acts as surety, he shall file with the commission and provide a copy to the ORS 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, including third-party verification.

**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;
- 15) Annual Report on file and evidence of last period Gross Receipts paid; and
- 16) 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 accordance 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 27, Issue No. 2, eff February 28, 2003; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103-513. Inspection of Plant and Equipment.**

A. Each utility shall, upon request of the ORS, provide to the ORS 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 or as the ORS may request.

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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 and the ORS 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 and the ORS in writing a notice of any violation of a PSC regulation or a DHEC regulation which results in the issuance of a DHEC order. If the report includes information regarding a DHEC violation which results in the issuance of a DHEC order, the filer shall note if the DHEC order is under appeal and shall inform the commission of the resolution of the appeal. This notice shall be filed within twenty-four hours of the time of the inception of the violation or of the utility's receipt of the issuance of a DHEC order and shall detail the steps taken to correct the violation, if the violation is not corrected at the time of occurrence. The Company shall notify the commission and the ORS in writing within fourteen calendar days after the violation has been corrected.

D. All Wastewater Utilities under the jurisdiction of the commission shall provide the ORS Consumer Services Division a copy of all advisories affecting ten or more customers within twenty-four hours of issuance. The utility shall notify the ORS Consumer Services Division in writing when the advisory has been lifted.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007; State Register Volume 33, Issue No. 6, eff June 26, 2009.

### **103-515. Accidents.**

Each utility shall, as soon as possible, report by telephone to the ORS 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 provided to the ORS of the cause and details of the accident and the precautions, if any, which have been taken to prevent similar accidents.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990.

### **103-517. 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 Sewerage Utilities to the extent applicable. Such records must be made available for examination by the ORS 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 ORS or its representatives.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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 to 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 and provided to the ORS, 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 ORS of the 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 customers 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 one year during which time the sewerage utility shall make a reasonable effort to return the deposit. Unclaimed deposits, together with accrued interest, shall be turned over to the South Carolina State Treasurer 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 ½ %) 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 or other certified funds. Good cause must be justified by a sewerage utility by evidencing a credit history problem or by evidencing insufficient funds of the utility customer or applicant. For the purposes of this regulation, the sewerage utility may not consider indebtedness that was incurred by the customer or any member of his household more than six (6) years prior to the time of application.

**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, or at the request of the customer 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. A reconnection fee shall be reduced to thirty-five dollars (\$35.00) when disconnection has been made by the use of an elder valve or similar device.

**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.103-532.2. 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 ORS.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 the ORS, 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.

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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 by order, or 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.

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.

**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 ORS. 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 disconnection of any sewerage service, the Division of Environmental Health of the South Carolina Department of Health and Environmental Control and the ORS 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. The utility must inform the customer in the notice that the customer can contact the ORS if the customer disputes the discontinuance of service.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994.

### **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 ORS, 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ORS 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 ORS has notified the utility that an oral complaint has been received concerning a specific account and such complaint has been received by the ORS before service is terminated, the utility shall not discontinue the service of that account until the ORS's investigation is completed and the results have been received by the utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103-539. Tariff's Rules and Regulations.**

A copy of the utility's tariffs as filed with this commission and provided to the ORS will be on file in the local business offices of the utility and shall be available for public inspection.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 sewerage service, including but not limited to the collection or treatment of said wastewater, without first submitting said contract in form to the commission and the ORS and obtaining approval of the commission.

**HISTORY:** Added by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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 Water of the South Carolina Department of Health and Environmental Control.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ORS 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 eighteen (18) 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103-556. Engineering Analysis.**

A. The ORS 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 ORS access to all utility property when the ORS undertakes to verify the inventories of utility plant systems, or obtain other necessary information.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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. ORS Inspection and Test.**

When tests are conducted by the ORS, 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 requested by ORS or as may be approved or ordered by the commission.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 and ORS 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 and the ORS of any interruption in its service in accordance with 103-514.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.



**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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 ORS in the investigation of the causes of accidents and shall give reasonable assistance to the commission and the ORS in the determination of suitable means of accident prevention.

C. Each utility shall maintain a summary of all reported accidents arising from its operations.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 Articles 1 through 13 of 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 to govern telephone and telegraph service by telephone and telegraph utilities.

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 telephone or telegraph utility.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**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 telephone 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 or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the commission that such a waiver is not contrary to the public interest.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

## **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. Customer.**

Any person, firm, association or corporation, or any agency of the Federal, State or local government, being supplied telecommunications service by a utility.

### **103-602.4. Interexchange Carrier.**

Carrier authorized by the commission to provide services related to long distance services.

### **103-602.5. ORS.**

Office of Regulatory Staff.

### **103-602.6. PSP.**

Payphone Service Provider.

### **103-602.7. Radio Common and Cellular Carrier.**

A mobile telecommunications carrier licensed by the Federal Communications Commission (FCC) and authorized by the FCC to receive and transmit signals from mobile transmitter within a specified geographic area.

### **103-602.8. Reference.**

For the purpose of these rules and regulations the reference as specified in R.103-642 will be used for the definitions of terms, abbreviations, units of measure, etc.

### **103-602.9. Standard Network Interface Device.**

The point of demarcation between telephone company-owned facilities and customer-owned wiring and/or equipment.

### **103-602.10. Telephone Utility.**

A telephone utility operating under the jurisdiction of the commission.

### **103-602.11. Written or in Writing.**

Written or in writing includes, without limitation, electronic transmissions.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

## **103-603. Authorization for Rates and Charges.**

A. No schedules of rates or tariffs involving rates under the jurisdiction of the commission shall be changed until after proposed change has been approved by the commission, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

B. All rates, tolls, or charges involving rates under the jurisdiction of the commission proposed to be put into effect by any telephone utility shall be first approved by the commission before they shall

become effective, unless they are exempt from such approval by statute, order of the commission, or other provision of law.

C. No rate or toll charge involving rates under the jurisdiction of the commission of any telephone 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–604. Territory and Certificated Area.**

Each telephone utility shall provide regulated service only within the areas authorized by the commission, unless exempt by commission action, order or statute.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–605. Telephone Utility Rules and Regulations.**

Each telephone 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 the commission or other statutory laws.

All rules and regulations, operating procedures, policies and instructions as outlined above are subject to review by the commission. Upon request, each utility shall make a copy of such rules and regulations, operating procedures, policies and instructions available to the ORS.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–606. Service Offerings.**

Each telephone utility is authorized to offer such types, class, grades, classification and forms of service as it may deem necessary.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–607. Bonds or Other Security Mechanisms.**

This regulation applies to telephone utilities who provide retail residential local exchange services and who individually or together with their affiliates, have not invested at least five million dollars in telecommunications facilities in the State of South Carolina. The commission may waive this requirement upon petition by the telephone utility if the telephone utility provides evidence of financial stability as deemed appropriate by the commission. This regulation does not apply to Commercial Mobile Radio Services. The commission shall determine the type and the amount of bond or other security mechanism to be filed by the carrier with the commission and the ORS. The commission may order the carrier to file a performance bond or post an irrevocable letter of credit or certificate of deposit. In determining the amount of the performance bond, irrevocable letter of credit, or certificate of deposit, the commission may use, at a minimum, any commercially reasonable, acceptable method, including the following criteria: number of customers, retail price for service, and financial resources of the carrier.

a. Performance Bond. Performance bonds must be issued by an A-grade insurer acceptable to the commission and must be posted with the commission and a copy provided to the ORS. However, the amount of the bond shall be no less than \$100,000. An updated bond shall be filed with the commission and a copy provided to the ORS annually.

b. Irrevocable Letter of Credit. An irrevocable letter of credit shall be issued by a financial institution acceptable to the commission. The amount of the irrevocable letter of credit shall be determined by the commission; however, the amount of the letter of credit shall be no less than \$100,000. An updated irrevocable letter of credit shall be filed with the commission and a copy provided to the ORS annually.

c. Certificate of Deposit. The certificate of deposit shall be issued by a financial institution acceptable to the commission and shall be no less than \$50,000. An updated certificate of deposit shall be filed with the commission and a copy provided to the ORS annually.

Forfeiture of Bond or Other Security Mechanism

The commission, after notice and hearing, may order all or part of any bond or other security forfeited upon finding that the telephone utility has abandoned service to customers.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

## 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 ORS, or its authorized representatives at all reasonable hours.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **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 telephone utility 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.

**HISTORY:** Amended by State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-612. Data to Be Filed with the Commission and Provided to the ORS.**

The telephone utility shall file the following documents and information:

1. Annual Report. Each telephone utility operating in the State shall file an annual report with the commission and provide a copy to the ORS, 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. Unless otherwise provided by law, each telephone utility shall file for approval with the commission and serve on the ORS a tariff with respect to all regulated services offered by the utility.

- A. Each telephone utility must provide the ORS a copy of its most recent tariffs.
- B. The telephone utility's tariff shall include:

- a. A copy of the telephone utility's rules, terms, or conditions, describing the telephone utility's policies and practices in rendering regulated services.
- b. A list of all types, grades, classifications and forms of regulated service offered.
- c. The non-recurring charges, recurring charges, and the termination charges, if any, that apply to the services.
- d. Definitions of all types, classes, grades, classifications, and forms of regulated service offered.

2.2. <sup>1</sup>

2.3. Operating Area Maps. The commission and the ORS shall maintain updated maps showing commission-approved areas and/or exchange service-area(s).

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 the commission.

2.4. Authorized Telephone Utility Representative. Each telephone utility shall maintain with the commission and furnish a copy to the ORS, the name, title, address, and telephone number of the persons who should be contacted in connection with:

- a. General Management Duties

<sup>1</sup> So in original. No paragraph 2.2 was promulgated by State Register Volume 31, Issue No. 4, eff April 27, 2007.

- b. Customer Relations (Complaints)
- c. Engineering Operations
- d. Test and Repairs
- e. Emergencies during non-office hours

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–614. Interruption of Service.**

Each telephone 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 utility shall report any information required to be reported to the FCC regarding outages to the commission and provide a copy electronically to the ORS. This information should be submitted as soon as practicable, and a copy of any written report submitted to any Federal jurisdictional entity shall also be submitted to the commission and a copy provided to the ORS.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–615. Accidents.**

Each telephone 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–616. Complaints Received from the ORS.**

Each telephone utility shall keep a record of all complaints received from the ORS. This record shall show the name and address of the complainant, the date, the nature of the complaint, and the adjustment or disposal thereof.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–617. Tests.**

Each telephone utility shall keep a record of all tests procedures which are performed as a result of these rules, unless otherwise directed by the commission.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–618. Service Reports.**

Each telephone utility shall provide the following service reports to the ORS on a quarterly basis within thirty (30) days of the end of each calendar quarter.

#### **A. Trouble reports per hundred access lines:**

The report shall contain the total number of actual customer trouble reports received per hundred access lines for the telephone utility's regulated operations.

#### **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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–619. Held Applications/Availability of Service.**

The following information shall be provided to the ORS on a quarterly basis within thirty (30) days of the end of 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### SUBARTICLE 3 CUSTOMER RELATIONS

#### **103-620. Customer Information.**

Each telephone 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 telephone 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 required by law and so directed by the commission, notify 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 and served on the ORS by the telephone utility.
- c. Furnish to a customer, upon request, information as to the telephone utility's billing procedures.
- d. Provide adequate means whereby each customer can contact repair service at all hours.
- e. Notify its customers that the telephone utility is under the jurisdiction of the commission, and that its customers may, if necessary, seek assistance from ORS regarding the telephone utility's regulated operations or file a formal complaint with the commission regarding an unresolved dispute involving the telephone utility's regulated operations.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

#### **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 regulated service, if any of the following conditions exist:

1. The customer has had two 30-day arrearages in the past 24 months, or the customer has been sent two or more late payment notices in the past 9 months; or
2. A new customer cannot furnish either an acceptable co-signer or guarantor who is a customer of the utility within the State of South Carolina to guarantee payment; or
3. The customer's gross monthly billing increases; or
4. A customer has had his service terminated by any telephone utility for non-payment or fraudulent use; or
5. The utility determines, through use of commercially acceptable methods, that the customer's credit and financial condition so warrants.

B. Each telephone utility shall inform affected prospective customers of the provisions contained in R. 103-621-(A).

C. A utility is not required to install new service to a customer prior to the utility's receipt of any deposit that is required of that customer.

##### **103-621.1. Deposit Receipt.**

Each utility shall maintain records of each deposit it receives from a customer and shall provide means whereby a customer may establish a claim regarding his deposit.

**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 not less than that as prescribed by the commission shall be paid by the telephone utility to each customer required to make such deposit for the time it is held by the telephone 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 telephone 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 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 treated in accordance with law.

**103-621.7. Deposit Credit.**

Where a customer has been required to make a 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 telephone utility discontinues the account, the telephone utility shall apply the deposit of such customer toward the discharge of such account and shall refund to the customer any excess.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-622. Customer Billing.**

Every telephone utility shall render each customer an accurate and timely bill.

**103-622.1. Bill Forms.**

Each telephone utility's bill must comply with the Federal Communications Commission's "Truth in Billing Requirements" that are in effect at the time the utility's bill is prepared.

**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.

**103-622.3. Disconnection and Reconnection.**

Whenever regulated telephone service is denied or discontinued for any appropriate reason, the telephone utility may make a tariffed charge for cost incurred in disconnecting or discontinuing the regulated telephone service and reconnecting it after restoration and may require payment for service not previously billed.

**103-622.4. Payment by Check.**

The telephone 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 telephone 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-623. Adjustment of Bills.**

If it is found that a telephone utility has directly or indirectly, by any devise whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered or to be rendered by such telephone utility than that prescribed in the schedules of such telephone 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 telephone 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 telephone utility has willfully overcharged any customer, the telephone 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.

**103-623.2. Customer Inadvertently Overcharged.**

If the telephone utility has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the telephone utility shall, for any amount of one 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 telephone 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 telephone 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 telephone 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 telephone 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 telephone utility as such, then the telephone utility shall recover the deficient amount provided as follows:

a. If the interval during which the customer was undercharged can be determined, then the telephone 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 telephone utility shall collect the deficient amount incurred during the 12-month period preceding the date when the billing error was discovered by the telephone utility.

**103-623.4. Customer Undercharged Due to Human or Machine Error.**

If the telephone utility has undercharged any customer as a result of a misapplied schedule, or any human or machine error then the telephone utility may recover the deficient amount as follows:

a. If the interval during which a customer was undercharged can be determined, then the telephone 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 telephone utility may collect the deficient amount incurred during the six month period preceding the date when the billing error was discovered by the telephone 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-624. Applications for Regulated 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 utility's 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-625. Reasons for Denial or Discontinuance of Service.**

Service may be refused or discontinued for any of the reasons listed below, for any reason set forth in the utility's tariffs, or for any reason set forth in the utility's individual contracts for services. 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 telephone 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 telephone 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 telephone utility.
- e. For violation of and/or non-compliance with the commission's Orders or regulations governing service supplied by the telephone 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 telephone utility reasonable access to its equipment.
- h. In cases 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 telephone 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 telephone 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 telephone utility for telephone service billed for another telephone utility.
- n. Without notice, in the event of a PSP violation of a commission Order of which the PSP has been notified and has failed to correct the violation within the amount of time specified in such notification.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **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 telephone utility.
- c. Failure to pay for any non-regulated equipment or services provided by the utility.
- 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 16, Issue No. 6, eff June 26, 1992; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-627. Rights of Access.**

The authorized agents of the telephone 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 telephone utility's business.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-628. Complaints.**

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

B. The telephone 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 ORS. A written or oral response is allowable for complaints that the telephone utility wishes to dispose of immediately. The use of an oral response does not preclude supplying the ORS with a written response to written complaints.

C. The ORS shall promptly and thoroughly investigate complaints concerning the charges, practices, facilities, or service of the utility. Each utility shall respond to the complaint conveyed to the utility by the ORS in a timely and thorough manner. This time period shall not exceed ten (10) days from the day the complaint is received by the utility, except that the ORS may give the company additional time to respond upon request and for good cause shown.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-629. Tariffs, Rules and Regulations.**

A copy of the telephone utility's tariffs as filed with the commission and provided to the ORS shall be available for inspection by the public.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-630. System Which Telephone Utility Must Maintain.**

Each telephone 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-631. Directories.**

Each utility is responsible for having the name, address, and telephone numbers of all of its customers listed in a telephone directory that is published at regular intervals, except public telephone and telephone service unlisted at customer's request.

A. The telephone utility shall list its customers with at least one provider of directory assistance services or with its own 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 of the directory in which its customers' listings appear, each utility is responsible for distributing a copy of each directory to all customers served by that directory and a 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 or the spine of the directory. The utility shall take appropriate measures to have information pertaining to emergency calls such as for the police and fire departments appear conspicuously in the front pages of the directory, and such information shall be provided without charge to the agency located within the utility's certificated area. Also, the utility shall take appropriate measures to have the address and telephone number of the Public Service Commission and the Office of Regulatory Staff appear in the front portion of the directory in which its customers' listings appear.

D. The utility shall take appropriate measures to have the directory in which its customers' listings appear contain instructions concerning placing of long distance calls, calls to repair and directory assistance services, and calls for the establishment and maintenance of service.

E. At least one directory assistance provider used by the utility or the utility's own 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 at least one directory assistance provider used by the utility or the utility's own directory assistance operators 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 provider used by the utility, or the utility’s own directory assistance operators. The correct number shall be furnished to the calling party either upon request or interception.

H. Whenever any customer’s telephone number is changed after a directory is published, the telephone 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 telephone 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.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **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.

**HISTORY: Added by State Register Volume 18, Issue No. 3, eff March 25, 1994.**

## **SUBARTICLE 4 ENGINEERING**

### **103–640. Requirements for Good Engineering Practice.**

The plant of each telephone 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–641. Acceptable Standards.**

Unless otherwise specified by the commission, each telephone 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–642. Acceptable References.**

Newton’s Telecom Dictionary as published by CMP Books.

**HISTORY: Amended by State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–643. Adequacy of Service.**

The capacity of the telephone utility’s plant shall be sufficiently large to meet all reasonably expected requests for service. See R. 103–663(1). Where new construction is required, reasonable allowance will be made for construction and activation of new facilities.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-644. Inspection of Plant.**

A. Each telephone 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 telephone utility's experience and accepted good practice. 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.

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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-645. Hazardous Locations.**

Explosive Atmospheres and Other Hazardous Locations. No telephone utility 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **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 telephone 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

## **SUBARTICLE 5 INSPECTION AND TESTS**

### **103-650. Telephone Utility Inspection and Test.**

A. Each telephone 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 telephone 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 telephone 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-651. ORS Inspection and Test.**

When inspections, audits, or examinations are conducted by the ORS, its staff, or its 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-652. Testing Facilities.**

A. Each telephone 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 or as requested by the ORS. The apparatus and equipment so provided shall be available at all times for inspection by any member or authorized representative of the ORS.

B. Each telephone 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, as requested by the ORS, or as may be approved or ordered by the commission.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-653. Trouble Reports.**

A. Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all trouble reports. Each telephone 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 trouble, and the date and time of trouble clearance or other disposition. This record shall be available to the ORS 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 telephone 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 telephone 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **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 telephone 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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-662. Restrictions on Use of Service.**

Each telephone 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

**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 ORS 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 ORS 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 dBnC

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 telephone 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 telephone utility (other than problems detected by the telephone 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 telephone utility, excluding weekends and holidays, unless the customer agrees to another arrangement. The out of service trouble clearing time objectives for telephone utilities is 85% within 24 hours.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 4, eff April 22, 1994; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**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 R.103-641.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-671. Protective Measures.**

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

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-672. Safety Program.**

Each telephone utility shall adopt and execute a safety program fitted to the size and type of its operation.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.



**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.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-681. Committee Name.**

The Advisory Committee shall be known as the Telecommunications Relay Service (TRS) Advisory Committee.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

**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.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

**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.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993.

**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 R. 103-680. However, the commission retains its right to review and approve the decisions of the TRS Advisory Committee.
2. The commission Staff or the ORS 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.

**HISTORY:** Added by State Register Volume 17, Issue No. 5, Part 3, eff May 28, 1993; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103-690. Designation of Eligible Telecommunications Carriers.**

(Statutory Authority: 1976 Code § 58-3-140)

**A. Purpose.**

1. This regulation defines the requirements for designation as an Eligible Telecommunications Carrier ("ETC") for the purpose of receiving federal universal service support, not state universal service support, pursuant to 47 U.S.C. § 214(e) of the Federal Telecommunications Act of 1996.
2. This regulation will ensure that the commission will only grant a particular application if doing so will further the goals and purposes of the federal high-cost universal service fund and the universal

service fund provisions of Section 254 of the Telecommunications Act of 1996; specifically, that consumers in all regions of South Carolina, including those in rural, insular and high-cost areas will have access to telecommunications services comparable to those in urban areas of the state.

3. Notwithstanding the ETC applicant's regulatory status or the commission's jurisdiction over the applicant's regular operations, in seeking designation as an ETC, the applicant acknowledges the commission's authority and jurisdiction to impose such regulations on ETCs, including the applicant, as are in the public interest.

B. Definitions.

1. Cell Site. A geographic location where antennae and electronic communications equipment are placed to create a cell in a cellular network for the use of mobile phones. A cell site is composed of a tower or other elevated structure for mounting antennae, and one or more sets of transmitter/receivers, transceivers, digital signal processors, control electronics, and backup electrical power sources and sheltering.

2. Commission. The word commission in this regulation means the Public Service Commission of South Carolina.

3. Eligible Telecommunications Carrier (ETC). An ETC is a carrier as defined in 47 U.S.C. §214(e).

4. Lifeline Service. Lifeline Service is a service as defined in 47 C.F.R. §54.401.

5. Link Up Service. Link Up Service is a service as defined in 47 C.F.R. §54.411.

6. ORS. The abbreviation ORS in this regulation means the Office of Regulatory Staff.

7. Wire Center. A geographic location of one or more local switching systems; a location where customer loops converge. References to the evaluation of service within a wire center, for purposes of this regulation, shall mean an evaluation of the quality of the services provided in that part of the licensee's service area served by a cell site in the event the applicant is a wireless service provider.

C. Requirements for initial designation as an Eligible Telecommunications Carrier.

(a) The commission may upon its own motion or upon request, designate a common carrier that meets the requirements in this section, and the public interest standard set forth in subsection (b) of this section, as an ETC for a designated service area. ETCs shall offer services in compliance with 47 C.F.R. §54.101. Upon request and consistent with the public interest, convenience and necessity, the commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area designated by the commission. Before designating an additional ETC for an area served by a rural telephone company, the commission shall find that the designation is in the public interest. On or after the effective date of this rule, in order to be designated an eligible telecommunications carrier under 47 U.S.C. § 214(e)(2) of the Federal Telecommunications Act of 1996, any common carrier in its application filed with the commission and a copy provided to the ORS must provide the following information:

(1) (A) commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. Each applicant shall certify that it will (1) provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises; and (2) provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

(B) submit a two-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis, or on a cell site-by-cell site basis if the applicant is a wireless carrier throughout its proposed designated service area. Each applicant shall demonstrate:

1. How it plans to expand its network to ensure that unserved and underserved rural or high-cost areas will receive sufficient signal quality, that coverage or capacity will improve due to the receipt of high-cost support throughout the area for which the ETC seeks designation;
2. A detailed map of the coverage area before and after the improvements and in the case of a CMRS provider, a map identifying existing and proposed tower site locations;
3. The specific geographic areas where the improvements will be made;
4. The projected start date and completion date for each improvement;
5. The estimated amount of investment for each project that is funded by high-cost support;
6. A statement as to how all of the facilities funded by high-cost support are eligible for such support;
7. The estimated population that will be served as a result of the improvements;
8. If an applicant believes that service improvements in a particular wire center or on a particular cell site are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area; and
9. A statement as to how the proposed improvements funded by universal service dollars would not otherwise occur absent the receipt of high-cost support and that such support will be used in addition to any expenses the ETC would normally incur.

(C) for carriers seeking certification in areas not eligible for High Cost Support from the USF, but seeking ETC designation for the purpose of participation in the Lifeline and Link Up programs, the following shall apply in lieu of paragraph (B) above: shall submit a two-year plan that describes the carrier's plans for advertising and outreach programs for identifying, qualifying, and enrolling eligible participants in the Lifeline and Link Up programs. All other provisions of this subsection shall apply.

(2) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, its ability to reroute traffic around damaged facilities, and its capability of managing traffic spikes resulting from emergency situations. The commission shall determine on a case-by-case basis whether a carrier has demonstrated its ability to remain functional in emergency situations.

(3) demonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis.

(4) demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

(5) certify by affidavit signed by an officer of the company that the carrier acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area.

(6) certify by affidavit signed by an officer of the company that it does offer or will offer the services that are supported by the federal universal service support mechanisms by using its own facilities or a combination of its own facilities and resale of another carrier's services.

(7) certify by affidavit signed by an officer of the company that it does or will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges.

(b) Public Interest Standard. Prior to designating an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(2), the commission must determine that such designation is in the public interest. In doing so, the commission shall consider, *inter alia*, the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering. In instances where an eligible telecommunications carrier applicant seeks designation below the study area level of a rural telephone company, the commission shall also conduct a creamskimming analysis that includes, but is not limited to, comparing the population density of each wire center in which the eligible telecommu-

nications carrier applicant seeks designation against that of the wire centers in the study area in which the eligible telecommunications carrier applicant does not seek designation. The commission shall not designate a service area to an ETC that is smaller than an entire wire center.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008.

### **103–690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers.**

#### A. Purpose.

The purpose of this regulation is to specify the annual reporting requirements for designated Eligible Telecommunications Carriers (ETCs).

#### B. Annual Reporting Requirements for ETCs Designated after January 1, 2007.

This section shall apply to all eligible telecommunications carriers who are designated after January 1, 2007.

(a) Filing Deadlines. For ETCs who are designated after January 1, 2007, in order for the common carrier designated under 47 U.S.C. § 214(e)(2) to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designation, it must file with the commission and provide a copy to the ORS the annual reporting information in paragraph (b) no later than June 30, 2008, and thereafter annually by June 30th of each year. The information provided should cover the previous twelve (12) month period ending December 31st. The ORS shall review each ETC annual report and notify the commission on or before August 20th annually in writing as to the ORS's opinion as to whether the carrier is in compliance with federal and state regulations and rules. The commission, after holding a hearing, if it deems a hearing is necessary, shall determine based upon the information provided to it whether the carrier is in compliance with federal and state regulations and rules and shall notify the Federal Communications Commission and the Universal Service Administrative Company of each company's compliance by October 1st of the reporting year thereby ensuring that each ETC designated by the commission is authorized to receive federal support for the upcoming fiscal year.

Reports must also contain a commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service as of May 18, 2008, or a commitment by other ETCs that they meet the service quality standards outlined in Section 103–663. For the purpose of this regulation, access lines and handsets shall be used interchangeably.

(b) A common carrier designated under 47 U.S.C. § 214(e)(2) as an eligible telecommunications carrier after January 1, 2007 shall provide:

(1) a progress report on its two-year service quality improvement plan, including maps detailing its progress toward meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled. The information shall be submitted at the wire center level. Additionally, an updated forward-looking two-year plan shall be filed annually;

(2) detailed information on any outage, as defined in 47C.F.R.§4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (a) at least ten percent of the end users served in a designated service area; or (b) a 911 special facility, as defined in 47 C.F.R. §4.5(e). Specifically, the eligible telecommunications carrier's annual report must include information detailing: (a) the date and time of onset of the outage; (b) a brief description of the outage and its resolution; (c) the particular services affected; (d) the geographic areas affected by the outage; (e) steps taken to prevent a similar situation in the future; and (f) the number of customers affected;

(3) the number of requests for service from potential customers within the eligible telecommunications carrier's service areas that were unfulfilled during the past year. The carrier shall also detail how it attempted to provide service to those potential customers;

(4) the number of complaints or trouble reports per 1000 handsets or access lines;

(5) certification that it is complying with applicable service quality standards and consumer protection rules, as designated by the commission;

- (6) a detailed report and certification that the carrier is able to function in emergency situations;
- (7) for non-incumbent local exchange carriers certification that the carrier is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas;
- (8) certification that the carrier acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area;
- (9) the number of Lifeline customers and the number of customers that received Link Up assistance as of December 31st of the prior year;
- (10) copies of responses to the Lifeline Verification Survey or Certification filed with the Universal Service Administrative Company on August 31st of each year; and
- (11) For ETCs not eligible for High Cost Fund support, but participating in the Lifeline and Link Up programs, subsections (1) and (2) shall be waived. All other requirements shall remain in force, except that the requirements of (6) may be met by reference to an underlying carrier's continuing certification as for leased facilities.

C. Annual Reporting Requirements for ETCs Designated Prior to January 1, 2007.

To the extent required by 47 C.F.R. 54.313 and 47 C.F.R. 54.314, ETCs who were designated prior to January 1, 2007, must certify to the commission that all federal high-cost support provided to such carriers within South Carolina in the succeeding calendar year will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification must be filed with the commission on or before August 1st annually.

D. Newly Designated Eligible Telecommunications Carriers.

(a) Once a carrier is designated as eligible to receive support, the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company within 60 days of that effective date of its designation as an eligible telecommunications carrier.

(b) Thereafter, the ETC must submit the data required in paragraph B by August 1st of each year to the commission and the commission shall file the certification with the Federal Communications Commission and the Universal Service Administrative Company by October 1st.

E. ETC Requirements for Lifeline and Link Up Services.

(a) ETCs shall offer Lifeline service in the designated service area to all qualifying low-income consumers in accordance with the federal lifeline service guidelines as follows:

- (1) ETCs shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.
- (2) ETCs shall commit to offer toll limitation to all qualifying low-income consumers at the time such consumers subscribe to Lifeline service. If the consumer elects to receive toll limitation service, that service becomes part of that consumer's Lifeline service.
- (3) ETCs may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll limitation service from the carrier where available.
- (4) ETCs shall verify annually that its Lifeline customers meet the program qualification.
- (5) ETCs shall notify Lifeline subscribers a minimum of 60 days prior to termination of their service if the carrier has a reasonable basis to believe that the subscriber no longer meets the Lifeline qualifying criteria.
- (6) ETCs shall not charge Lifeline customers a monthly number- portability charge.

(b) ETCs shall offer Linkup service in the designated service area to all qualifying low-income consumers, in accordance with the following guideline:

- (1) ETCs shall publicize availability of Link Up service in a manner reasonably designed to reach those likely to qualify for the service, and shall provide a reduction of the customary charge for connecting telecommunications service for a single line at the consumer's principal place of residence. The reduction shall be in conformance with federal regulations governing the cost of Link Up service.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.**

**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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 and the ORS 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 or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rules or regulations may be waived by the commission upon a finding by the commission that such waiver is not contrary to the public interest.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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. 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.

**103–702.3. 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”.

**103-702.4. 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.

**103-702.5. 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.

**103-702.6. 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:

$$100 \times \frac{(\text{Meter Reading}-\text{Actual Volume})}{(\text{Actual Volume})}$$

A positive percentage indicates a fast meter and a negative percentage indicates the meter is slow.

**103-702.7. 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 and provide a copy to the ORS (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.

**103-702.8. 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”.

**103-702.9. 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.

**103-702.10. The Office of Regulatory Staff.**

The executive director and employees of the Office of Regulatory Staff.

**103-702.11. Premises.**

A piece or tract of land or real estate, including buildings and other appurtenances thereon.

**103-702.12. 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., § 58-5-240 unless accompanied by the information specified under 103-712(4).

**103-702.13. 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.

**103-702.14. 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.

**103-702.15. 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.

**103-702.16. Water Plant.**

All facilities owned by the utility for the collection, production, purification, storage, transmission, metering, and distribution of potable water.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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(14), 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 with the commission and provided to the ORS, 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.

**HISTORY:** Amended by State Register Volume 24, Issue No. 5, eff May 26, 2000; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 and provided to the ORS.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 with the commission and serving a copy on the ORS, 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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 ORS or its authorized representatives at all reasonable hours.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 according to the most current edition of *Regulations to Govern the Preservation of Records for Electric, Gas and Water Utilities*, published by the National Association of Regulatory Utility Commissioners (NARUC). Following are certain modifications to those record retention periods:

(A) Item 30. Plant ledgers:

a. Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by class for the life of the utility.

b. Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc. of physical units (or items) of utility plant owned - life of the utility.

(B) Item 32. Retirement work in progress ledgers, work orders and supplemental records:

a. Work order sheets to which are posted the entries for removal costs, materials recovered and credits to utility plant accounts for cost of plant retired - life of the utility.

(C) Other - Records related to a test year used in a rate adjustment proceeding shall be preserved for a period of two years after the final order in such case or throughout the period that the Order by the Public Service Commission concerning the rate adjustment may be appealed, whichever is later. The utility shall maintain beyond this two-year period sufficient records to verify and substantiate all requirements included in these rules.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103–712. Data to be Filed with the Commission and Provided to the ORS.**

1. Annual Report. Each utility operating in the State shall file an annual report with the commission and provide a copy to the ORS giving accounting, and other information as the commission directs.

The commission or the ORS 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 and provide a copy to the ORS 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 shall be provided to the commission and the ORS.

2.2. Contract Forms. A copy of each special contract for service, including aid to construction agreements, and rate or toll agreements shall be provided to the commission and the ORS.

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 shall be provided to the ORS.

2.4. Operating Area Maps. A map of the utility's operating area. This map shall be revised annually and provided to the ORS unless such revision is unnecessary, in which event the utility shall notify the ORS 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;

(h) Capacity of the system and;

(i) Location of cross-connection control devices

2.5. Authorized Utility Representative. The utility shall advise the commission and ORS 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 and provide a copy to the ORS 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 based on the verified expenses of the utility for the preceding twelve-month period. 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 ORS 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 the ORS, the ORS 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. Upon order of the commission, when any individual acts as surety, he shall file with the commission and provide a copy to the ORS 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, including third-party verification.

#### 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;
- 15) Annual Report on file and evidence of last period Gross Receipts paid; and
- 16) 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 accordance 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;
- 13) Customer bill form; and
- 14) Other pertinent or relevant information determined necessary by the commission.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 27, Issue No. 2, eff February 28, 2003; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **103-713. Inspection of Plant and Equipment.**

A. Each utility shall, upon request of the ORS, provide to the ORS a statement regarding the condition and adequacy of its plant, equipment, facilities, and service in such form as the commission may require or as the ORS may request.

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.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 and the ORS 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 and the ORS in writing a notice of any violation of a PSC regulation or a DHEC regulation which results in the issuance of a DHEC order. If the report includes information regarding a DHEC violation which results in the issuance of a DHEC order, the filer shall note if the DHEC order is under appeal and shall inform the commission of the resolution of the appeal. This notice shall be filed within twenty-four hours of the time of the inception of the violation or of the utility's receipt of the issuance of a DHEC order and shall detail the steps to be taken to correct the violation, if the violation is not corrected at the time of occurrence. The Company shall notify the commission and the ORS in writing within fourteen calendar days after the violation has been corrected.

D. All Water Utilities under the jurisdiction of the commission shall provide the ORS Consumer Services Division a copy of all advisories affecting ten or more customers within twenty-four hours of issuance. The utility shall notify the ORS Consumer Services Division in writing when the advisory has been lifted.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007; State Register Volume 33, Issue No. 6, eff June 26, 2009.**

### **103-715. Accidents.**

Each utility shall, as soon as possible, report to the ORS 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 provided to the ORS as is possible of the cause and details of the accident and the precautions, if any, which have been taken to prevent similar accidents.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990.**

### **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 ORS 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 ORS or its representatives.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ½) 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 and provide a copy to the ORS to obtain approval to change from a flat rate to a metered rate. Upon such application, the ORS will conduct an investigation to determine if a utility should utilize meters and, after hearing, the commission may order the use of metered rates. If no meters are in place, the commission 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990.

## **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 have been met shall be furnished to 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 and provided to the ORS, 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 ORS of the complaint.

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.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 one year 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 State Treasurer 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 ½ %) 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 or other certified funds. Good cause must be justified by a water utility by evidencing a credit history problem or by evidencing insufficient funds of the utility customer or applicant. For the purposes of this regulation, the water utility may not consider indebtedness that was incurred by the customer or any member of his household more than six (6) years prior to the time of application.

**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, or at the request of the customer, 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 103.735.1 (H).

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

**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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

**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 the ORS, 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.

**HISTORY: Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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, the commission by Order, or the Department of Health and Environmental Control 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 ORS.

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.

**HISTORY: Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **103-735.1. Procedures for Termination of Service.**

(A) Service may be terminated for non-payment of a bill, provided that the water 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 ORS. 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. The utility must inform the customer in the notice that the customer can contact the ORS if the customer disputes the discontinuance of service.

**HISTORY:** Added by State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 18, Issue No. 3, eff March 25, 1994.

### **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 ORS, 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.

**HISTORY:** Amended by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ORS 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 ORS has notified the utility that an oral complaint has been received concerning a specific account and the ORS has received notice of the complaint before service is terminated, the utility shall not discontinue the service of that account until the ORS's investigation is completed and the results have been received by the utility. Service shall not be discontinued if the complainant requests in writing a hearing before the commission.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **103-739. Tariffs, Rules and Regulations.**

A copy of the utility's tariffs as filed with the commission and provided to the ORS shall be on file in the local business offices of the utility and shall be available for public inspection.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 the ORS and obtaining approval of the commission.

**HISTORY:** Added by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

## **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
1½-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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**103-752. Acceptable References.**

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) The most current edition of the Community Water Systems, Ameen
- (b) The most current edition of the Manual of Individual Water Systems

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 ORS 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 ORS or its authorized representative.

C. The utility shall provide the ORS and its representatives access to all utility property when the ORS undertakes to verify inventories of utility plant systems, or obtain other necessary information.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

**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 ORS.

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.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **103-761. Commission Inspection and Tests.**

The ORS shall make tests of meters as follows:

(a) Upon written application to the ORS 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 ORS will notify the utility and the utility shall not knowingly remove or adjust the meter until instructed by the ORS. The utility shall furnish to the ORS'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 ORS will make a written report of the results of the test to the customer and to the utility.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

### **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 ORS 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 .03%.

#### **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 ORS. 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 ORS.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**



**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 and the ORS 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.

**HISTORY: Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.**

**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 and ORS 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ORS at all reasonable times.

**HISTORY:** Amended by State Register Volume 10, Issue No. 6, eff June 27, 1986; State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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 ORS in the investigation of the cause of accidents and shall give reasonable assistance to the commission and the ORS in the determination of suitable means of accident prevention.
- C. Each utility shall maintain a summary of all reported accidents arising from its operations.

**HISTORY:** Amended by State Register Volume 31, Issue No. 5, eff May 25, 2007.

### **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**

### **Editor's Note**

Regulations 103-800 to 103-885 were adopted December 31, 1976.

### **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. 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-801. Application of Rules.**

These rules shall apply to any person who participates in proceedings before the Public Service Commission.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **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, or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is not contrary to the public interest.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-804. Definitions.**

The following words and terms, when used in the context of these rules and regulations, shall have the meanings indicated.

A. 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.

B. Commission and Commissioner. The South Carolina Public Service Commission and a Commissioner thereof, respectively.

C. 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.

D. 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.

E. 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 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.

F. Hearing Examiner. A member of the Commission staff, duly appointed and designated by the Commission to serve as a presiding officer for a proceeding before the Commission, and so serving as a presiding officer.

G. Hearing Officer. An attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience employed by the Commission to hear and determine procedural motions or other matters not determinative of the merits of the proceedings and made prior to the hearing. At the hearing, a hearing officer shall make all rulings on nondispositive motions and objections. The hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and the admission of evidence but may not participate in the determination on the merits of the case. If qualified, a Commission staff attorney may serve as a hearing officer.

H. Intervenor. A person who files a petition to intervene in a proceeding before the Commission, as provided by R. 103-825, 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.

I. Notice of Filing.

(1) A statement prepared by the Chief Clerk upon the filing of a pleading which initiates a proceeding, and which is provided to the party submitting the pleading. The Notice of Filing shall be published pursuant to R. 103-817(C) 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.

J. Notice of Hearing.

(1) A statement prepared by the Chief Clerk which provides certain information relative to the public hearing scheduled in a 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.

K. 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 proceeding before the Commission.

L. Party or Party of Record. A party in a 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. 103-854. The Office of Regulatory 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 proceedings.

M. Person. Any individual, partnership, corporation, association, establishment, limited liability companies, limited partnership, entities, governmental subdivision, or public or private organization of any character.

N. Petitioner. A party seeking relief from the Commission, and not otherwise designated herein.

O. Pleading. A document seeking relief in a proceeding before the Commission, including complaint, answer, application, protest, request, motion (other than an oral motion made during a proceeding) or petition.

P. Presiding Officer. A Commissioner or a hearing examiner appointed and duly designated by the Commission, who presides at proceedings before the Commission.

Q. 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.

R. Protestant. An individual 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.

S. 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 Chief Clerk;
- (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 Chief Clerk for a reasonable charge.

T. 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 proceeding shall include the right to offer evidence on behalf of the party represented and to cross-examine 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.

U. 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.

V. 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.

W. Rulemaking. The Commission process for the formulation, amendment or repeal of a rule.

X. Rule to Show Cause. An order issued by the Commission instituting a 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.

Y. Staff Counsel. Legal Counsel of the Commission and Commission Staff.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-805. Representation.**

A. Parties and Their Representatives. Parties in a case have the right to participate or to be represented in all hearings or pre-hearing conferences related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR. No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. Representation of Entities. Except as otherwise provided in S.C. Code Ann. Regs. 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional association, must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. Representation of Individuals. An individual person not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the commission's regulations and the Administrative Procedures Act.

D. Notice of Appearance. An attorney or other person authorized to represent a party before the commission pursuant to this regulation shall file with the commission a notice of appearance when retained or authorized to represent a party after commencement of a case.

E. Unopposed Matters in Which an Entity May Proceed without Counsel. Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

- 1) application for approval of a tariff,
- 2) application for approval of a contract,
- 3) application for approval of an interconnection agreement between telephone carriers,
- 4) application for approval of a name change,
- 5) application for a certificate of public convenience and necessity to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, and a taxi, and
- 6) application of a mover of household goods for a certificate of FWA.

If the entity chooses not to use an attorney, it shall include in its submission a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the commission to allow the matter to proceed.

F. Motion to Withdraw from Representation. An attorney or other person authorized to represent a party before the commission pursuant to this regulation must file a written motion to withdraw from representation of a party or from participation in proceedings.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.**

### **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. Except as otherwise provided by law, 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103–811. Repealed** by State Register Volume 39, Issue No. 6, Doc. No. 4454, eff June 26, 2015.

**Editor's Note**

Former R. 103–811 was titled **Commissioners** and had the following history: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103–812. Chairman and Vice Chairman.**

The Commission will elect one of their number chairman and another of their number vice-chairman.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988.

**103–813. The Commission Staff.**

The Commission is authorized and empowered to employ a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103–814. 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 Chief Clerk 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103–815. 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

**103–816. Written Correspondence.**

All written communications should be directed to the following address:

The Public Service Commission of South Carolina

Post Office Drawer 11649

Columbia, South Carolina 29211

Or hand-delivered to the Commission's street address:



Synergy Business Park

101 Executive Center Drive

Columbia, South Carolina 29210-8411

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-817. Proceedings.**

A. Nature of Proceedings. If required by law and upon filing of a pleading as set forth in R.103-819, et. seq., 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 Proceedings.

(1) All proceedings shall be initiated by filing with the Chief Clerk at the business offices at the Commission an original and copies, as determined by the Commission, of an appropriate pleading unless otherwise provided, as designated in R.103-819, et seq.

(2) The Chief Clerk 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 the authorized representative within ten days after receipt, stating why it has not been accepted for filing.

C. Conduct of Proceedings.

(1) All pleadings initiating 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. Pleadings will be captioned in accordance with R.103-819, et seq., and shall be processed pursuant to these rules.

(2) The Chief Clerk 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 proceeding initiated under these rules may be disposed of 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 Chief Clerk may:

(a) Serve the pleadings, as required, in accordance with R.103-830, 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 such notice 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 Chief Clerk, 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 Chief Clerk shall prepare a Notice of Hearing, and shall forward 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 proceeding. The Chief Clerk 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) The Chief Clerk shall forward a copy of a Notice of Filing, a Prefile Testimony Letter, or a Transmittal Letter to all parties by electronic service or by U.S. Mail. The Chief Clerk shall forward a Notice of Filing and Hearing, a Notice of Hearing or any other document containing a hearing date to all parties by electronic service or by certified mail.

(e) 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 proceedings shall be held pursuant to R.103–836, et seq.

D. Final Disposition of Proceedings. 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 proceedings and formally acknowledged by the Commission by issuance of an order.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 39, Issue No. 6, Doc. No. 4455, eff June 26, 2015.

### **103–817.1. E-Filing and E-Service.**

A. Electronic Filing. The electronic transmission of a document to the E-Filing System in accordance with this Regulation constitutes the filing of that document in accordance with Title 58 of the South Carolina Code and the Commission’s Regulations in Chapter 103 of the South Carolina Code of State Regulations.

B. Official Record. Where a document is E-Filed, the electronic version of that filing constitutes the official record. E-Filed documents have the same force and effect as documents filed by Traditional Means. Documents filed by Traditional Means may be converted to electronic format and made part of the docket by the Clerk’s Office. Once converted, the electronic version constitutes the official record.

C. Timeliness. A document transmitted and received by the E-Filing System on or before 11:59:59 p.m., Eastern Standard Time, shall be considered filed with the Commission on that date, provided it is subsequently accepted by the Commission. Nothing in this Regulation should be construed to reduce or extend any filing or service deadlines set by statute, the South Carolina Rules of Civil Procedure, or orders of the Commission, except requests for extensions of time to file documents. Such requests must be filed with and approved by the Commission.

D. “Notice of Electronic Filing” or “Notification of Electronic Filing” (“NEF”) is a notice generated by the E-Filing System at the time of a filing or other Commission action. An NEF is transmitted by email to all Authorized E-Filers who have filed a Notice of Appearance and are counsel of record in the case and includes a description of the filing and a list of parties to whom the NEF was transmitted.

E. Electronic Service.

(1) Electronic Service of Process Not Authorized. Service of process or service of any pleadings initiating cases cannot be accomplished through the E-Filing System. The E-Filing System may not be used for service of process of a summons and complaint, subpoena, or any other pleading or document required to be personally served under Rule 4, SCRPC (South Carolina Rules of Civil Procedure).

(2) Service of Other Papers on Authorized E-Filers by the E-Filing System. Except as provided in sub-paragraphs (A) and (B) below, upon the E-Filing of any pleading, motion, or other paper subsequent to the summons and complaint or other filing initiating a case, the E-Filing System will generate and transmit an NEF to all Authorized E-Filers associated with that case after the filing has been accepted for processing by the Commission. Where the parties are proceeding in the E-Filing System and a pleading, motion, or other paper must be filed, made, or served under the Commission’s statutes or regulations or the SCRPC, upon the filer’s receipt of a confirmation email stating that the filing has been accepted for processing by the Commission, the E-Filing of that pleading, motion, or other paper, together with the transmission of an NEF, constitutes proper service under Rule 5, SCRPC, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, as to all other parties who are E-Filers in that case. It is the responsibility of an E-Filer to review the content of the E-Filed document in the E-Filing System to determine its force and effect.

(a) No NEF will be created at case initiation; however, the E-Filing System will transmit confirmations of receipt and acceptance of the filing.

(b) NEFs are only transmitted via email to representatives of parties of record. E-Filers should comply with Commission Regulation 103–805 (Representation) for entering an electronic notice of appearance when making an initial responsive filing in a case that was initiated via the E-Filing System.

(3) Service Complete upon E-Filing. Service of a pleading, motion, or other paper by NEF subsequent to the summons and complaint or other filing initiating a case is complete at the time of the submission and the Clerk's Office acceptance of the pleading, motion, or other paper for E-Filing, provided an NEF is transmitted by the E-Filing System in accordance with paragraph (e)(2) of this Section. The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. The NEF constitutes proof of service under Rule 5(b), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and the date of service shall be the date stated in the NEF as the "Official File Stamp." Where notice of the filing of a pleading, motion, or other paper is served by an NEF, the E-Filer need not file proof of service, but the E-Filer must retain a copy of the NEF as proof of service.

(4) Time to Respond Following Electronic Service. Computation of the time for a response after service by NEF is governed by Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(5) Service by or upon a Party Who is Not an E-Filer in a Case.

(a) E-Filed motions, pleadings, or other papers that must be served upon a party who is not represented by an Authorized E-Filer in the case or who is a Traditional Filer must be served by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. An Authorized E-Filer who has E-Filed a motion, pleading, or other paper prior to service of the motion, pleading, or other paper shall serve a paper copy of the corresponding NEF on the Traditional Filer(s). The Authorized E-Filer must also file proof of Traditional Service as to all other parties who are Traditional Filers.

(b) Traditional Filers must continue to serve all parties with a paper copy of the motion, pleading, or other paper by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and file a copy of the motion, pleading, or other paper with the Commission, together with proof of service, as required by Rule 5(d), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(6) Failed Transmission of NEF. If an Authorized E-Filer becomes aware that the NEF was not transmitted successfully to other Authorized E-Filers in the case, or that the NEF is deficient, the Authorized E-Filer shall, upon learning of the failure or deficiency, serve the E-Filed document by email, hand delivery, facsimile, or first class mail. Proof of such service shall be E-Filed with the Commission within one business day of service.

**HISTORY: Added by SCSR 44-6 Doc. No. 4879, eff June 26, 2020.**

### **103-818. Rulemaking Proceedings.**

A. Nature of Rulemaking Proceedings. When permitted by law, and upon the filing of a pleading, 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. 103-817B.

C. Conduct of Rulemaking Proceedings.

(1) Pleadings filed with the Commission initiating rulemaking proceedings shall be processed as in proceedings, pursuant to R. 103-817C(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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–819. General Contents of Pleadings.**

All pleadings in 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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–820. General Form of Pleadings.**

All pleadings filed in 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–821. Copies of Pleadings.**

Pleadings shall be filed in one original and copies, as determined by the Commission, unless otherwise specified by the Chief Clerk. In addition, where practicable, an electronic copy of the pleadings shall be served on the Chief Clerk and all parties according to such procedures as may be directed by the Commission. Mimeographed or photocopied copies will be accepted as typewritten, provided all copies are clearly legible.

**HISTORY:** Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–822. 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–823. 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, e-mail 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. 103-819 through R. 103-822.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-823.1. Financing Applications.**

Any electrical utility filing financing applications must provide the following information as a separate part of its application:

- a. Identify the effect of the proposed financing on the utility's income statement and balance sheet and identify the impact of the proposed financing on the utility's capital structure;
- b. Identify specifically how the funds obtained through the proposed financing are to be used by the utility;
- c. Provide information on the possible impact on the utility if the proposed financing is not approved or if approval is delayed;
- d. Specify the expected effective rate of interest of any debt financing (a range for the rate is appropriate). For common stock issues, provide information on the anticipated market price and book value per share at the time of issue;
- e. Provide information on the expected benefits (e.g., savings expected from early debt retirement) and costs (e.g., issuance expenses) of the proposed financing. Provide any studies that were developed to identify these costs and benefits and the net result. (This could incorporate present value analysis of the costs and benefits.) Identify the basic assumptions of any analyses of costs and benefits.

**HISTORY:** Added by State Register Volume 36, Issue No. 5, eff May 25, 2012.

### **103-823.2. Protection of Customer Data.**

A. Definitions of Key Terms.

(1) Aggregated Data. The term "aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or the compilation of customer data from which all unique identifiers have been removed.

(2) Commission. The term "Commission" means the Public Service Commission of South Carolina.

(3) Customer Data. For purposes of this section, "customer data" means data about a current or former customer's electric, natural gas, water, or wastewater usage; information that is obtained as part of an advanced metering infrastructure; and personal identifying information, as defined in S.C. Code Ann. Section 39-1-90(D)(3) and S.C. Code Ann. Section 16-13-510(D), as may be amended, including the name, account number, billing history, address of the customer, email address, telephone number, and fax number, in the possession of electric, natural gas, water or wastewater public utilities. Also, "customer data" means non-public retail customer-specific data or information

that has been obtained or compiled by a public utility in connection with the supplying of Commission-regulated electric, natural gas, waste, or wastewater services. Customer data includes data or information that is: (a) collected from the meter, by the public utility, and stored in its data systems for billing purposes; (b) customer-specific usage information for regulated public utility service; (c) about the customer's participation in regulated public utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs; or (d) any other non-public information specific to a customer that is related to electricity consumption, load profile, or billing history.

(4) Non-Public Utility Operations. The term "non-public utility operations" means all business enterprises engaged in by a public utility that are not regulated by the Commission or otherwise subject to public utility regulation at the state or federal level.

(5) Primary Purpose. The term "primary purpose" means the acquisition, storage or maintenance of customer data by a public utility, as defined by Title 58 of the South Carolina Code, which provides services pursuant to state law, federal law, or Order of the Commission.

(6) Secondary Commercial Purpose. The term "secondary commercial purpose" means any purpose that is not a primary purpose.

(7) Third Party. The term "third party" means a person who is not the customer, nor any of the following: (i) an agent of the customer designated by the customer with the public utility to act on the customer's behalf; (ii) a regulated public utility serving the customer; or (iii) a contracted agent of the public utility. For purposes of this regulation, "third party" includes any non-public utility operations or affiliate of the public utility.

(8) Unique Identifier. The term "unique identifier" means a customer's name, account number, meter number, mailing address, telephone number, or email address.

B. Aggregated data which has been aggregated to a degree that individual customer information is not identifiable shall not be considered "customer data."

C. Customer Consent.

(1) A public utility shall not share, disclose, or otherwise make accessible to any third party a customer's data, except as provided in subsection (F) or upon the consent of the customer.

(2) A public utility shall not sell a customer's data for any purpose without the consent of the customer.

(3) The public utility or its contractors shall not provide an incentive or discount to the customer for accessing the customer's data without the prior consent of the customer.

(4) Before requesting a customer's consent for disclosure of customer data, a public utility shall be required to make a full disclosure to the customer of the nature and scope of the data proposed to be disclosed, the identity of the proposed recipient and the intended use of the data by the proposed recipient.

D. If a public utility contracts with a third party for a service that allows a customer to monitor the customer's usage, and that third party uses the data for a secondary commercial purpose, the contract between the public utility and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer and secures the customer's consent to the use of his or her data for that secondary commercial purpose prior to the use of the data.

E. A public utility shall use reasonable security procedures and practices to protect a customer's unencrypted consumption data from unauthorized access, destruction, use, modification, disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

F. Exceptions to Sections A through E.

(1) This section shall not preclude a public utility from disclosing aggregated data for analysis, reporting, or program management.

(2) This section shall not preclude a public utility from disclosing customer data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, or for fraud prevention purposes, provided that the public utility has required by contract that the third party implement and maintain reasonable security

procedures and practices appropriate to the nature of the information, to protect the personal identifying information contained in the customer data from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's prior consent to that use.

(3) This section shall not preclude a public utility from disclosing customer data in the course of its operations:

- (a) Where necessary to provide safe and reliable service;
- (b) As required or permitted under state or federal law or regulation or by an Order of the Commission;
- (c) Including disclosures pursuant to and permitted by the Fair Credit Reporting Act Section 1681 et seq., Title 15 of the United States Code including for purposes of furnishing account and payment history information to and procuring consumer reports from a consumer reporting agency as defined by 15 U.S.C. Section 1681;
- (d) Upon valid request from law enforcement;
- (e) To respond to an emergency;
- (f) To respond to service interruption reports or service quality issues;
- (g) To restore power after a storm or other disruption;
- (h) To respond to customers' requests for line locations, installation or repair of streetlights, support for construction or tree trimming/removal by customer, or other service orders or requests;
- (i) To inform customers as to tree trimming/vegetation control plans and schedules;
- (j) To respond to claims for property damage by the customer resulting from tree trimming/vegetation control or public utility construction;
- (k) To respond to customer complaints;
- (l) To protect the health or welfare of the customer or to prevent damage to the customer's property;
- (m) To assist the customer in obtaining assistance from social services, community action, or charitable agencies;
- (n) To perform credit checks or review payment history where customer deposits might otherwise be required or retained;
- (o) Where circumstances require prompt disclosure of specific information to protect customers' interests or meet customers' reasonable customer service expectations; or
- (p) This section shall not preclude a public utility from, in its provision of regulated public utility service, disclosing customer data to a third party, consistent with the public utility's most recently approved Code of Conduct, to the extent necessary for the third party to provide goods or services to the public utility and upon written agreement by that third party to protect the confidentiality of such customer data.

(4) Nothing in this section precludes the utility from advising a municipality when service is disconnected.

G. If a customer discloses or authorizes the utility to disclose his or her customer data to a third party, the public utility shall not be responsible for the security of that data, or its use or misuse.

H. Public Utility Guidelines.

(1) Each electrical, natural gas, water or wastewater public utility shall develop and seek Commission approval of guidelines for implementation of this section.

(2) The electrical, natural gas, water or wastewater public utility shall file its initial guidelines within 180 days of the effective date of this regulation for Commission approval. The guidelines should, at minimum, address the following:

- (a) Customer Notice and Awareness — practices to explain policies and procedures to customers.

(b) Customer Choice and Consent — processes that allow the customer to control access to customer data including processes for customers to monitor, correct or limit the use of customer data.

(c) Customer Data Access — procedures for use of customer data, purpose for collection, limitations of use of customer data and processes for customer non-standard requests.

(d) Data Quality and Security Procedures and Measures — procedures for security and methods to aggregate or anonymize data.

(e) Public Utility Accountability and Auditing — reporting of unauthorized disclosures, training protocol for employees, periodic evaluations, self-enforcement procedures, and penalties.

(f) Frequency of Notice to Customers — practices and procedures to provide initial and annual notification of its privacy policy to customers.

(g) Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties — practices, policies, and procedures when selecting the third party with whom the utility will share data so as to minimize unauthorized or inadvertent disclosure of customer data.

I. No Private Right of Action. This regulation shall be enforced by regulatory enforcement actions only. No private right of action for damages is created hereby.

J. Penalties. Failure to comply with this section is subject to any authority granted to the Commission by statute or regulation.

**HISTORY: Added by SCSR 45-5 Doc. No. 4969, eff May 28, 2021.**

### **103-824. 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 proceeding.

A. Contents of Complaints. A written complaint filed with the Commission shall contain the following information:

(1) The name, address, e-mail 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. 103-819 through R. 103-822.

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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-825. 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 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.

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene.

(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. 103-819 through R. 103-822. Handwritten Petitions to Intervene may be accepted by the Commission, if legible.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-826. 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. 103-826 all answers shall conform to the requirements of R. 103-819 through R. 103-822.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–827. 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 Office of Regulatory 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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–828. 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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–829. Motions.**

A. Motions, except those made during hearings, will be reduced to writing and filed with the Chief Clerk at least ten (10) days prior to the commencement of a hearing. Responses to such motions are due within ten days after service of said motions. Replies to responses to motions shall be filed with the Commission within five days of service of the response. These times may be modified by order of the Commission or its designee for good cause. Written motions to quash a subpoena will be made pursuant to R. 103–832.

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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–830. Filing and Service of Pleadings.**

All pleadings shall be filed with the Chief Clerk of the Commission and served on the Office of Regulatory Staff unless and until it chooses not to participate in a proceeding.

#### **A. Service of Complaints and Answers.**

(1) A complainant requesting a hearing shall file the complaint with the Chief Clerk. The Chief Clerk 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.

#### **B. 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 Chief Clerk 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 Chief Clerk within 30 days of the receipt of the petition from the Chief Clerk 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 Chief Clerk shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

C. 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–830.1. Service Between Parties of Record.**

Upon written agreement by all the parties in a docket, service of filings made in a docket at the commission may be made through e-mail or electronic service. The written agreement memorializing the parties' consents shall be filed with the commission in the appropriate docket.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.

### **103–831. Computation of Time.**

The computation of time shall be governed by Rule 6 of the South Carolina Rules of Civil Procedure. Extensions of time may be granted by the commission for good cause shown. The provisions of Regulation 103–831 do not apply to Petitions for Rehearing or Reconsideration.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 33, Issue No. 6, eff June 26, 2009.

### **103–832. Subpoenas and Subpoenas Duces Tecum.**

Subpoenas and Subpoenas Duces Tecum shall be issued and served in a manner consistent with the South Carolina Rules of Civil Procedure.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–833. Written Interrogatories and Request for Production of Documents and Things.**

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 Chief Clerk. 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 20 days after the service thereof, unless the time is extended by the Commission for good cause shown.

C. Unless under special circumstances and for good cause shown, requests for production of documents and things 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 requests for production of documents and things 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 requests for production of documents and things. Copies of requests for production of documents and things served shall also be filed with the Chief Clerk. Each request for production of documents and things 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 requests for production of documents and things have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the requests for production of documents and things, but not less than 20 days after the service thereof, unless the time is extended by the Commission for good cause shown.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-834. Depositions.**

Any party of record to a proceeding may, by written request, ask the Commission or its designee 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 or its designee 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-835. Other Discovery Procedures.**

The S. C. Rules of Civil Procedure govern all discovery matters not covered in Commission Regulations.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-836. How Hearings are Set.**

The Commission will assign a time and place for hearing and shall give notice thereof as required by law.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-837. Hearing Calendar.**

The hearing calendar will be posted in the office of the Chief Clerk of the Commission and shall be available for inspection by the public during the office hours of the Commission. 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 proceeding on the hearing calendar.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103-838. 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 Chief Clerk, stating in detail the reasons why such continuance is necessary. Unless good cause is shown, no such continuance shall be granted.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–839. Prehearing Conferences.**

A. Purposes. Upon written notice by the Commission in any 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–840. Consolidated Hearings.**

The Commission, upon its own motion or upon motion by any party, may order two or more 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–841. Presiding Officer.**

A. In General. When evidence is to be taken in a 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 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.

**HISTORY:** Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–842. Order of Procedure.**

A. Investigations. Upon an investigation initiated by the Office of Regulatory Staff or by request of the Commission, evidence in a proceeding will ordinarily be received in the following order:

- (1) Office of Regulatory 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) Office of Regulatory Staff.

C. Complaint. Evidence will ordinarily be received upon complaints in the following order:

- (1) Complainants;
- (2) Respondents;
- (3) Other parties;
- (4) Office of Regulatory Staff.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–843. Standard of Conduct.**

All individuals acting in a representative capacity in 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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–844. 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. 103–838, 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.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–845. 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 proceedings involving utilities, the Commission shall require any party and the Office of Regulatory 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 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-846. 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. 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-847. 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 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-848. 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–849. 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–850. Transcripts.**

A. In General. The Commission will cause to be made a record of all proceedings.

B. Copies of Transcript. Copies of the typewritten transcript of any proceeding may be obtained from the hearing reporters upon request and after payment of the applicable fee.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–851. Briefs or Proposed Orders.**

A. Due Date. The presiding officer shall fix the time for filing and service of briefs or proposed orders.

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 or Proposed Orders. 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 a proposed Order, reasons and authorities therefore.

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 or proposed orders must be filed with the Chief Clerk 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.

**HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103–852. Service of Orders.**

All Orders representing final disposition of a proceeding shall be filed with the Chief Clerk who shall serve copies thereof upon all parties of record or their authorized representative. Such service shall be by certified mail, registered mail, or by delivery to the parties or their attorneys, as may be appropriate.

**HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.**



### **103–853. Finality of Decision.**

All proceedings before the Commission shall be disposed of by issuance of an Order as defined in R. 103–804K served upon all parties of record.

A. Effective Date of Orders. Commission Orders shall take effect and become operative when served by registered or certified mail, unless otherwise designated, 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 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.

**HISTORY:** Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–854. 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. 103–825.

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.

**HISTORY:** Added by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–855. 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. 103–841C.

**HISTORY:** Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

### **103–856. 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 directed 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. 103-804E.

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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-857. 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-858. 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**

### **103-859. Emergency Procedures.**

A. When it appears to the Office of Regulatory 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 Office of Regulatory 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 Office of Regulatory 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 Office of Regulatory 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.

**HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.**