

Ex Parte Comm.

State Regulation of Public Utilities Review Committee

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November 3, 2005

Via Facsimile

Charles A. Terreni
Public Service Commission
101 Executive Ctr. Drive
P.O. Drawer 11649
Columbia, South Carolina 29201

Dear Charlie:

You asked staff's opinion about whether copies of written materials that are referenced in an allowable ex parte communication briefing must be attached to the certified statement of the person referencing the materials. Because the statute requires that "each party, person, commissioner, and commission employee present files a written, certified statement . . . attaching copies of any written materials utilized, referenced, or distributed (emphasis added)," Jennifer and I are of the opinion that all written materials that are referenced must be attached to the certified statement and made available on the commission's web site, without regard to whether the materials were distributed at the briefing. We believe one of the purposes of this requirement is to allow other interested persons the ability to review the materials and request a briefing on the same or similar matter to rebut or explain their position on the issue. If this creates problems, such as space limitations on the web site, perhaps the commission could provide a link to where the materials could be located. For example, if FERC Order 888 is referenced, the commission could link to the FERC Order 888, rather than put the entire order on the commission's web site.

Please let us know if you have any questions or concerns.

Sincerely,

Nancy
Nancy Vaughn Coombs

cc: C. Dukes Scott