

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

Richard Lightsey, LeBrian Cleckley, Phillip Cooper, *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

South Carolina Electric & Gas Company, a Wholly Owned Subsidiary of SCANA, SCANA Corporation, and the State of South Carolina,

Defendants,

South Carolina Office of Regulatory Staff,

Intervenor.

IN THE COURT OF COMMON PLEAS

FOURTEENTH JUDICIAL CIRCUIT

CASE NO.: 2017-CP-25-00335

**ORDER APPROVING PLAN FOR
SUBSEQUENT SETTLEMENT
DISTRIBUTIONS**

This matter comes before this Court on the parties' Consent Motion for Approval of Plan for Subsequent Settlement Distributions. This Court previously entered an Order of Final Settlement Approval ("Final Order") on June 11, 2019, approving a class action settlement that provided (1) a \$115 million cash payment to the Class (the "Cash Component"), and (2) what became \$60,971,727 realized from real estate sales (the "Real Estate Component").

The Final Order provided for at least two distributions to the Class. The distribution of the Cash Component occurred in August 2019. In the process of administering the initial distribution to the Class, Epiq Class Action & Claims Solutions (the "Settlement Administrator") and the parties identified several steps that could be taken to improve eligible Class Members' realization of the cash benefits and presented those to this Court at a hearing held on May 4, 2022. This Court entered a Confirmatory Order as to Settlement & Real Estate Matters and Final Order Approving Settlement Distribution Procedures ("Subsequent Distribution Order") on May 11, 2022.

The distributions authorized by the Subsequent Distribution Order have occurred, and the Settlement Administrator and the parties have identified additional steps that could be taken to improve eligible Class Members' realization of the cash benefits. The parties' Motion is addressed to those matters.

Distribution Results

The Settlement Administrator made the initial distribution of settlement funds to Class Members by either paper check or Dominion Energy South Carolina ("DESC") issuing a bill credit, whichever the Class Member requested.

The Settlement Administrator issued 1,169,279 checks totaling \$60,261,189.96, and DESC issued bill credits totaling \$18,020.16. Over time, 685,793 checks worth \$52,675,589.94 (87.4% of disbursed funds) were negotiated. However, a sizable number of Class Members who did not elect the bill credit option, and therefore received a paper check, did not cash their settlement check. Specifically, 419,084 settlement checks were uncashed. In addition to these uncashed checks, another 177,134 checks were undeliverable because the Settlement Administrator was not able to obtain a valid address. The initial distribution resulted in unclaimed payments of \$7,585,600.02 to 483,486 Class Members.

Pursuant to the Subsequent Distribution Order, those Class Members who did not cash their settlement check and for whom the Settlement Administrator had a valid address had their share of the initial distribution added to their share of the second distribution, and the aggregate amount of the unclaimed payments to Class Members for whom the Settlement Administrator did not have a valid address was allocated pro-rata to the remaining Class Members. Additionally, Class Members who were DESC customers at the time of the second distribution and who were owed \$50.00 or less received a bill credit.

The second distribution occurred between December 28, 2022, and July 29, 2024. The Settlement Administrator disbursed 826,894 checks totaling \$60,833,322.14, including numerous check reissues made at the request of Class Members. DESC issued 278,163 bill credits valued at \$6,718,345.03. In total, the combined check and bill credit distribution effort resulted in 1,105,057 Class Member payments valued at \$67,551,667.17.

As of October 1, 2024, a total of 628,818 Class Members had successfully claimed \$54,510,205.32 (80.6% of disbursed funds) in check and credit payments through the diligent efforts of the parties and the Settlement Administrator. However, a sizable number of checks were not cashed or were undeliverable because the Settlement Administrator was not able to obtain a valid address. As of March 1, 2025, the outstanding balance of the 476,231 uncashed checks totals \$13,040,877.84.

Proposed Additional Distribution Steps

The parties request an order authorizing the following steps to try to maximize eligible Class Members' realization of cash benefits consistent with the language and intent of the Settlement Agreement and the Final Order:

1. Class Members who are current DESC customers will receive bill credits, irrespective of the amount they are owed. DESC will assist the Settlement Administrator by providing updated customer status for the Class Members. The Settlement Administrator will then provide to DESC the bill credit amount to be issued to each Class Member who is a current customer, and the corresponding, aggregate amount of those bill credits will be paid to DESC. The credits will be applied over the course of the 30-day billing cycle. In the event DESC is unable to effectuate the entirety of the bill credits to Class Member accounts, it shall remit back to the Settlement Administrator any remaining funds. Based on the

Settlement Administrator's current information concerning Class Members who are current customers, the total amount eligible for distribution via bill credit is \$4,263,587.45, and the total Class Members eligible for bill credit are 24,701.

2. Class Members with valid email addresses who are owed \$2000.00 or less will be given the opportunity to receive digital payment securely, anywhere, on any device through the EpiqPay digital payment platform.¹ The total amount eligible for distribution via EpiqPay is \$4,057,541.31, and the total Class Members eligible for payment are 260,712.
3. Class Members with valid email addresses who are not eligible for EpiqPay will receive one or more email notices from the Settlement Administrator encouraging them to request a check reissue. These Class Members will be informed that this is their last chance to receive their funds. These email notices will go to 31 Class Members owed an aggregate amount of \$198,577.38.
4. Class Members without valid email addresses owed \$100.00 or more will receive one or more phone calls from the Settlement Administrator encouraging them to request a check reissue. These Class Members will be informed that this is their last chance to receive their funds. These phone calls will be made to 941 Class Members owed an aggregate amount of \$152,403.77.

¹ The EpiqPay digital payment platform “offers an easy, convenient, fast and secure payment distribution method to claimants while lowering settlement distribution costs . . .” <https://www.epiqglobal.com/en-us/technologies/epiqpay>.

Conclusion

The Court finds the parties' proposed final administration steps to be reasonable and **ORDERS** as follows:

1. Current DESC customers shall receive bill credits regardless of amount owed. DESC shall seek approval from the Public Service Commission in Docket # 2018-376-E for this bill credit issuance and related, ancillary matters required to facilitate the efficient administration of the final distribution. To the extent DESC incurs third-party costs to gather Class Member data and effectuate bill credits, the costs incurred shall be paid by the Settlement Administrator from the settlement fund.
2. Class Members with valid email addresses and owed \$2000.00 or less shall be offered digital payment via EpiqPay.
3. Class Members with valid email addresses but not eligible for EpiqPay shall receive email notices encouraging them to request a reissue.
4. Class Members without valid email addresses and owed more than \$100.00 shall receive telephone outreach encouraging them to request a reissue.
5. Class Members who receive a check reissue but do not timely cash their check will be subject to the Settlement Agreement's unclaimed funds provisions.
6. All distribution efforts shall begin within 60 days of this Order. Digital disbursements shall be completed within four months of their commencement.

IT IS FURTHER ORDERED that all funds remaining after completion of the approved distribution efforts shall be deemed unclaimed and distributed in accordance with Rule 23(e)(2), SCRCF, as follows: 50% to the South Carolina Bar Foundation to support activities and programs that promote access to the civil justice system for low income residents of South Carolina and 50%

to charitable organizations providing energy assistance to low income residents of South Carolina.
Class Counsel shall consult with the Court regarding proposed recipients.

AND IT IS SO ORDERED.

[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]



Hampton Common Pleas

Case Caption: Richard Lightsey , plaintiff, et al VS South Carolina Electric & Gas ,
defendant, et al

Case Number: 2017CP2500335

Type: Order/Other

So Ordered

Jean H. Toal