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June 26, 2008

By E-Mail and First Class Mail

Special Master Kristin L. Myles
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, California 94015

**Re: *South Carolina v. North Carolina*, No. 138, Original:
South Carolina's Fifth Progress Report**

Dear Special Master Myles,

In advance of the telephonic hearing scheduled for Monday, June 30, 2008, we respectfully submit South Carolina's fifth progress report.

Since the last status conference on May 23, 2008, the party States have filed, at the Special Master's direction, opening and responsive briefs on the remaining disputes regarding the Case Management Plan. Separately, the party States have submitted opening and responsive briefs regarding the issues to be resolved in Phases One and Two of this case and the appropriate schedule for Phase One discovery. South Carolina looks forward to addressing these matters during Monday's hearing.

In addition, pursuant to the Special Master's Order during the May 23, 2008 status conference, South Carolina served its first set of document requests on both North Carolina and limited intervenor Duke Energy on June 23, 2008.

Respectfully submitted,



David C. Frederick
*Special Counsel to the
State of South Carolina*

cc: Attached Service List

IN THE
SUPREME COURT OF THE UNITED STATES

No. 138, Original

STATE OF SOUTH CAROLINA,
Plaintiff,

v.

STATE OF NORTH CAROLINA,
Defendant.

CERTIFICATE OF SERVICE

Pursuant to Rule 29.5 of the Rules of this Court, I certify that all parties required to be served have been served. On June 26, 2008, I caused copies of South Carolina's Fifth Progress Report to be served by first-class mail, postage prepaid, and by electronic mail (as designated) on those on the attached service list.



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