

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-218, SUB 573

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Aqua North Carolina, Inc.,	)
202 MacKenan Court, Cary, North Carolina	)
27511, for Authority to Adjust and Increase	)
Rates for Water and Sewer Utility Service in	)
All Its Service Areas in North Carolina and	)
for Approval of a Water and Sewer	)
Investment Plan	)
	MOTION OF THE PUBLIC
	STAFF FOR LEAVE TO FILE
	RESPONSE OUT OF TIME

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) for leave to file out of time its response to the Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond are Required Pursuant to N.C.G.S. § 62-135 (Notice) filed by Aqua North Carolina, Inc. (Aqua or the Company) on July 28, 2023. In support of this motion, the Public Staff shows unto the Commission:

1. On June 5, 2023, the Commission entered its Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Approving Water and Sewer Investment Plan, Granting Partial Rate Increases, and Requiring Customer Notice (Rate Case Order) in this docket.

2. Ordering Paragraph Nos. 50 and 51 of the Rate Case Order provide:

50. That Aqua shall refund all partial, temporary rates and charges in excess of the final rates and charges found to be appropriate by the Commission, if any, in the Aqua NC Water, Aqua NC Sewer, and Brookwood Water Rate Divisions with interest at 10% compounded annually;

51. That Aqua shall file a refund plan for the excess partial, temporary rates and charges collected from the customers, if any, in the Aqua NC Water, Aqua NC Sewer, and Brookwood Water Rate Divisions within 30 days of the date of this Order and the Public Staff shall file a response to said refund plan no later than 60 days from the date of this Order[.]

3. On June 13, 2023, the Public Staff filed the Motion of the Public Staff for Reconsideration and for Further Relief requesting, among other things, that the Commission allocate the costs for certain PFOS/PFOA projects by Water and Sewer Investment Plan Rate Year and rate division.

4. On June 15, 2023, Aqua responded to the Public Staff's motion. Aqua requested that the Commission deny the Public Staff's motion, order the Public Staff to accept the PFOS/PFOA project cost allocation methodology proposed by Aqua in its response, and establish new deadlines for Aqua to file any refund plan, and for the Public Staff to respond.

5. On June 21, 2023, the Commission issued an order approving the PFOS/PFOA project cost allocation methodology proposed by Aqua. The Commission also directed Aqua to file any refund plan within 30 days of the issuance of the Commission's order approving customer notices and directed the Public Staff to respond to the refund plan within 60 days of its filing.

6. On July 28, 2023, Aqua filed its Notice wherein Aqua requested that the Commission enter an order ruling that the Company has no refund obligation pursuant to N.C. Gen. Stat. § 62-135.

7. On July 31, 2023, the Commission issued an order approving Aqua's motion on wastewater rate design and approving schedules of rates, among other things.

8. The Public Staff evaluated Aqua's Notice shortly after it was filed and has communicated with Aqua personnel regarding the results of its evaluation. However, the Public Staff incorrectly noted the deadline for its response as September 29, 2023, instead of the correct deadline, September 26, 2023.

9. The Response of the Public Staff to Aqua Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond Are Required Pursuant to N.C.G.S. § 62-135 is attached hereto.

10. The Public Staff is authorized to represent that Aqua does not object to the Public Staff's motion.

WHEREFORE, the Public Staff moves:

1. That the attached Response of the Public Staff to Aqua Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond Are Required Pursuant to N.C.G.S. § 62-135 be accepted as timely filed; and

2. For such other and further relief as the Commission may deem just and proper.

This the 28th day of September, 2023.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Lucy E. Edmondson  
Chief Counsel

Electronically submitted  
/s/ Megan Jost  
Staff Attorney

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## CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 28th day of September, 2023.

Electronically submitted  
/s/ Megan Jost