

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1263, SUB 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by JPC Utilities, LLC, for)	ORDER SCHEDULING HEARINGS,
Authority to Adjust and Increase Rates)	ESTABLISHING DISCOVERY
for Water and Wastewater Utility Service)	GUIDELINES, AND REQUIRING
in its service areas in Guilford County,)	CUSTOMER NOTICE
North Carolina)	

BY THE HEARING EXAMINER: On September 6, 2023, JPC Utilities, LLC (Applicant or JPC), filed an application with the Commission seeking authority to increase its rates for providing water and wastewater utility service in its service areas in Guilford County, North Carolina. The Applicant provides water utility service to approximately 68 metered commercial customers and wastewater utility service to approximately 57 metered commercial customers. This is the first time the Applicant has come before the Commission requesting an adjustment and increase in its rates.

On October 3, 2023, the Commission issued an Order Establishing General Rate Case and Suspending Rates, which declared this proceeding to be a general rate case and suspended the proposed new rates for up to 270 days pursuant to N.C. Gen. Stat. § 62-137 and 134, respectively.

The present water and wastewater utility rates have been in effect since February 13, 2015, pursuant to the Commission's Order in Docket Nos. W-1263, Sub 1, and M-100, Sub 138, which implemented rate changes to reflect changes in the tax laws. The present and proposed rates are as follows:

	<u>Present</u>	<u>Proposed</u>
<u>Monthly Metered Water Rates:</u>		
Base Charge, Zero Usage		
5/8-inch meter	\$22.80	\$54.93
1-inch meter	\$57.00	\$137.32
1 1/2-inch meter	\$114.00	\$274.64
2-inch meter	\$182.40	\$439.42
Usage Charge, per 1,000 gallons	\$3.80	\$10.40

	<u>Present</u>	<u>Proposed</u>
<u>Monthly Metered Wastewater Rates:</u>		
Base Charge, Zero Usage		
5/8-inch meter	\$28.20	\$57.01
1-inch meter	\$56.40	\$114.02
1 1/2-inch meter	\$103.40	\$209.03
2-inch meter	\$159.80	\$323.05
Usage Charge, per 1,000 gallons	\$15.08	\$29.45
<u>Water Connection Fee:</u>	\$600.00	\$600.00

Note: Sewer Connection charge included in Water Connection Fee

The proposed rates would increase the average monthly bill for water and wastewater by \$144.82 per month, or 114% based on an average monthly usage of 4,000 gallons. The average monthly bill for water and wastewater with the present rates is \$126.52 and \$271.34 with the proposed rates.

The Public Staff – North Carolina Utilities Commission (Public Staff) filed a letter with the Commission on October 11, 2023. The Public Staff recommended that the matter be scheduled for a customer hearing for the sole purpose of receiving testimony from customers, subject to cancellation if no significant protests are received subsequent to customer notice; that the matter should also be scheduled for an expert witness hearing for the sole purpose of receiving expert witness testimony from JPC, the Public Staff, and other intervenors, if any, and that JPC should be required to provide notice to all affected customers of the Application, including the applied for rates and the scheduled hearings.

Based on the foregoing and the recommendation of the Public Staff, the Hearing Examiner hereby establishes the procedural schedule set forth below, including filing requirements of JPC, the Public Staff, and other intervenors, and requires that JPC provide public notice to all customers affected by the Application, including the applied for rates and the scheduled hearings.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, request and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served by hand delivery or facsimile to the person sought

to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within 1 business day of the filing of such motion.

3. Formal discovery requests related to the Application and JPC's prefiled direct and any supplemental testimony shall be served on JPC by hand delivery, facsimile, or electronic delivery with JPC's agreement, no later than 14 calendar days prior to the filing of Public Staff and other intervenor testimony. JPC shall have up to 10 calendar days to file with the Commission objections to discovery requests on an item-by-item basis, but in no event shall objections be filed later than 10 calendar days prior to the deadline for the filing of Public Staff and intervenor testimony.

4. Formal discovery requests related to the prefiled direct testimony of the Public Staff and intervenors shall be served by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party no later than 5 business days after the filing of that party's testimony. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 9 business days after the filing of that party's testimony.

5. Formal discovery requests related to prefiled rebuttal testimony shall be served by hand delivery, facsimile, or electronic delivery with JPC's agreement, no later than 2 business days after the filing of such testimony. The party served shall have up to 2 business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 4 business days after the filing of such rebuttal testimony. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed, shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 business days to file with the Commission a motion to compel, and the party objecting to discovery shall have 1 business day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party, at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Hearing Examiner urges all parties to work in a cooperative manner and to try to accommodate discovery within the time available. The Hearing Examiner recognizes that in the past, most discovery has been conducted in an informal manner without the

need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside these guidelines.

Further, the Hearing Examiner finds good cause to require all parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a public hearing for the purpose of receiving public witness testimony from JPC's service area customers shall be and is hereby scheduled to begin at 7:00 p.m. on Wednesday, January 17, 2024, at the Guilford County Courthouse, Courtroom 1C, 201 South Eugene Street (Main Entrance), Greensboro, North Carolina 27401. *This hearing may be canceled if no significant protests are received on or before Wednesday, January 3, 2024;*

2. That the public hearing will be conducted solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearing pursuant to Commission Rule R1-21(g)(5);

3. That JPC Utilities, LLC, is required to file separately, a verified report addressing all customer service and service quality complaints expressed during the customer hearing held on Wednesday January 17, 2024, within 14 days of the conclusion of the customer hearing. The Public Staff shall and other intervenors may file a verified response and any comments to JPC Utilities LLC's report on or before Wednesday, February 14, 2024;

4. That the Application is scheduled for an expert witness hearing beginning at 10:00 a.m., on Tuesday, March 5, 2024, and continuing as necessary until its conclusion. The hearing will be held in Commission Hearing Room 2160, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, 27603;

5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

6. That on or before Wednesday, January 3, 2024, any persons having an interest in this matter may file petitions to intervene in this proceeding pursuant to Commission Rules R1-5, R1-7, and R1-19;

7. The Public Staff and intervenors, if any, shall file their testimony on or before Monday, January 29, 2024, which is at least 30 days prior to the expert witness hearing,

and JPC Utilities, LLC, shall file its rebuttal testimony, if any, on or before Monday, February 19, 2024, which is at least 15 days prior to the expert witness hearing;

8. That JPC Utilities, LLC, shall consult with all other parties and file, no later than Tuesday, February 27, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Friday, March 1, 2024, make a filing indicating their points of disagreement with JPC Utilities, LLC's filing;

9. That an officer or representative of JPC Utilities, LLC, is required to appear before the Commission at the time and place of the expert witness hearing to testify concerning any of the information contained in the Application;

10. That all parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format, including all of the supporting tabs and formulas, within 3 days of the filing of such exhibits and that the Applicant and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

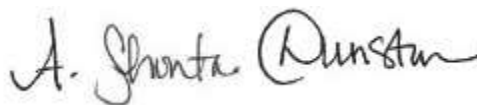
11. That all parties filing supporting exhibits in PDF format shall provide to the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, where applicable, including all of the supporting tabs and formulas, within 3 days of the filing of such exhibits; and that JPC Utilities, LLC, and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

12. That the Notice to Customers, attached hereto as Appendix A, shall be mailed with sufficient postage or hand delivered by JPC Utilities, LLC, to all affected customers no later than 10 days after the date of this Order and that JPC Utilities, LLC, shall submit to the Commission the attached Certificate of Service, properly signed and notarized, not later than 20 days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 20th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**NOTICE TO CUSTOMERS
DOCKET NO. W-1263, SUB 4**

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Notice is hereby given that JPC Utilities, LLC (Applicant or JPC), Post Office Box 345, Oak Ridge, North Carolina 27310, has filed an application with the North Carolina Utilities Commission (Commission) on September 9, 2023, seeking authority to increase its rates for providing water and wastewater utility service in its service areas in Guilford County, North Carolina.

The present and proposed rates and charges are as follows:

	<u>Present</u>	<u>Proposed</u>
<u>Monthly Metered Water Rates:</u>		
Base Charge, Zero Usage		
5/8-inch meter	\$22.80	\$54.93
1-inch meter	\$57.00	\$137.32
1 1/2-inch meter	\$114.00	\$274.64
2-inch meter	\$182.40	\$439.42
Usage Charge, per 1,000 gallons	\$3.80	\$10.40
<u>Monthly Metered Wastewater Rates:</u>		
Base Charge, Zero Usage		
5/8-inch meter	\$28.20	\$57.01
1-inch meter	\$56.40	\$114.02
1 1/2-inch meter	\$103.40	\$209.03
2-inch meter	\$159.80	\$323.05
Usage Charge, per 1,000 gallons	\$15.08	\$29.45
<u>Water Connection Fee:</u>	\$600.00	\$600.00

Note: Sewer Connection charge included in Water Connection Charge

EFFECT OF RATES:

The present water and wastewater rates became effective on February 13, 2015, pursuant to the Commission's Order in Docket Nos. W-1263, Sub 1 and M-100, Sub 138.

The proposed rates would increase the average monthly bill for water and wastewater by \$144.82 per month, or 114% based on an average monthly usage of 4,000

gallons. The average monthly bill for water and wastewater with the present rates is \$126.52 and \$271.34 with the proposed rates.

PROCEDURES FOR PUBLIC HEARINGS:

The Commission has scheduled the following hearings on the Application:

Public witness hearing beginning at 7:00 p.m. on Wednesday, January 17, 2024, to be held at the Guilford County Court House, Courtroom 1C, 201 South Eugene Street (Main Entrance), Greensboro, North Carolina 27401. This hearing may be cancelled if no significant protests are received on or before Wednesday, January 3, 2024. The public witness hearing on Wednesday, January 17, 2024, will be solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the customer hearing.

Expert witness hearing beginning at 10:00 a.m. on Tuesday, March 5, 2024, and continuing as necessary until its conclusion. The hearing will be held in Commission Hearing Room 2160, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The hearing scheduled for Tuesday, March 5, 2024, shall be conducted solely for the purpose of receiving testimony of JPC, the Public Staff – North Carolina Utilities Commission (Public Staff), and any other parties of record.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Consumer statements to the Public Staff should include the customer's name, contact information, and any information that the writer wishes to be considered by the Public Staff in its investigation of the matter, and such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300. Consumer statements may also be faxed to (919) 715-6704.

Consumer statements may be submitted to the Commission via the web form at <https://www.ncuc.gov/contactus.html>. Consumer statements are not evidence unless those persons appear at a customer hearing and testify concerning the information contained in their consumer statements.

The Attorney General is also authorized by statute to represent the consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Utilities Section, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. Written statements may also be e-mailed to utilityAGO@ncdoj.gov.

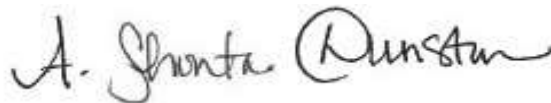
Persons desiring to intervene in this proceeding as formal parties of record should file a petition to intervene pursuant to Commission Rules R1-5, R1-7, and R1-19, on or

before Wednesday, January 3, 2024. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The direct testimony and exhibits of expert witness to be presented by intervenors should be filed with the Commission on or before Monday, January 29, 2024. Information regarding this proceeding can also be accessed from the Commission's website at www.ncuc.gov under Docket Number "W-1263 Sub 4".

ISSUED BY ORDER OF THE COMMISSION

This the 20th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, circular initial "D" for Dunston.

A. Shonta Dunston, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers the attached Notice to Customers issued by the North Carolina Utilities Commission in Docket No. W-1263, Sub 4, and the Notice was mailed or hand delivered by the date specified in the Order.

This the ____ day of _____, 2023.

By:

Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-1263, Sub 4.

Witness my hand and notarial seal, this the ____ day of _____, 2023.

Notary Public

Printed Name

(SEAL) My Commission Expires:

Date