

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, Sub 551

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Aqua North Carolina, Inc., for)
Transfer of the Water Utility System Serving) ORDER SCHEDULING HEARING,
Northgate Subdivision in Wake County, North) ESTABLISHING DISCOVERY
Carolina to the Town of Fuquay-Varina via Lear) GUIDELINES, AND REQUIRING
Corporation, Owner Exempt from Regulation) CUSTOMER NOTICE

BY THE COMMISSION: On October 6, 2021, Aqua North Carolina, Inc. (Aqua or Applicant), filed with the Commission an application seeking to transfer the water utility system serving Northgate Subdivision in Wake County, North Carolina to the Town of Fuquay-Varina via Lear Corporation, owner exempt from regulation (Application), in accordance with N.C. Gen. Stat. § 62-111. Aqua currently serves approximately 30 residential customers in the Northgate Subdivision.

On July 25, 2023, the Public Staff filed a letter with the Commission recommending that the Commission determine that Aqua's Application to transfer the water system in Northgate Subdivision in Wake County to the Town of Fuquay-Varina is complete.

On July 31, 2023, the Commission issued a Notice of Complete Application.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of Aqua, the Public Staff, and other parties, and requires that Aqua provide public notice to all affected customers of 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 which a party desires to take shall be taken before the deadline for filing of the Public Staff and 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, requests 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 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 24 hours after such motion is filed.

3. Formal discovery requests related to the Application and Aqua's prefiled direct testimony shall be served on Aqua not later than 14 calendar days prior to the deadline for filing of the Public Staff and intervenor testimony. The party served 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 the Public Staff and intervenor testimony.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 calendar days after such testimony is filed. 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 calendar days after that party's testimony is filed.

5. Formal discovery requests related to the Aqua's prefiled rebuttal testimony shall be served on the Aqua not later than 2 business days after such testimony is filed. The party served shall have up to 2 calendar 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 3 business days after rebuttal testimony was filed. 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 from the Aqua.

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 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected 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 because of that party's late intervention or other delay in initiating discovery.

The Commission 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 the guidelines.

Further, the Commission finds good cause to require Aqua and all other 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 hearing for the purpose of receiving public witness testimony on Aqua's Application shall be, and is hereby scheduled to begin at 7:00 p.m. on Tuesday, October 10, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, 27603;

2. That the public witness 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 the Commission may cancel the public witness hearing if no significant protests are received on or before Tuesday, October 3, 2023;

4. That a hearing for the purpose of receiving expert witness testimony on Aqua's Application is scheduled to begin at 1:00 p.m., on Monday, October 16, 2023, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, 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 petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than September 26, 2023;

7. That Aqua's prefiled direct testimony and exhibits shall be filed on or before September 15, 2023;

8. That the Public Staff and other intervenors prefiled direct testimony and exhibits of shall be filed on or before September 26, 2023;

9. That Aqua's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before October 6, 2023;

10. That an officer or representative from Aqua 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;

11. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any 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;

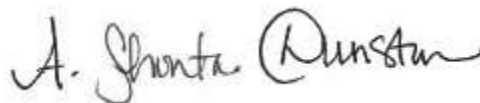
13. That Aqua shall consult with all other parties and file, no later than October 13, 2023, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination.; and

14. That Aqua shall consult with the Public Staff to develop a Notice to Customers to be delivered to all affected customers and shall file the proposed Notice to Customers for approval by the Commission no later than 5 business days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 16th day of August, 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, stylized "A" and "D".

A. Shonta Dunston, Chief Clerk