

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

<p>In the Matter of Application by Red Bird Utility Operating) Company, LLC, d/b/a Red Bird Water) for a Certificate of Public Convenience) and Necessity for Pine Mountain Lakes) in Burke County, North Carolina, and) Approval of Rates)</p>	<p>JOINT MOTION FOR LEAVE TO FILE STIPULATION AND SETTLEMENT TESTIMONY IN LIEU OF DIRECT AND REBUTTAL TESTIMONY</p>
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NOW COME Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), by and through its counsel, and the Public Staff – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers (collectively, the Moving Parties), and hereby respectfully move the North Carolina Utilities Commission (Commission) to grant the Moving Parties leave to file a settlement agreement and stipulation and settlement testimony and exhibits in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits. In support of this motion, the Moving Parties show the Commission as follows:

1. On September 30, 2021, Red Bird filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and sewer utility service to Pine Mountain Lakes (Pine Mountain) in Burke County, North Carolina.

2. The Pine Mountain systems serve 131 customers in total, including 95 residential water customers, 2 commercial water and sewer customers (a motel

and a restaurant), and 34 sewer customers. It is currently not regulated by the Commission.

3. Following Red Bird's filing of supplemental material to address deficiencies identified by the Public Staff in its deficiency letter of November 2, 2023, the Commission determined that the Application was complete and, on January 16, 2024, issued a Scheduling Order which, among other things, provides that the Public Staff's prefiled direct testimony and exhibits shall be filed on or before February 26, 2024, and that Red Bird's prefiled rebuttal testimony and exhibits shall be due on or before March 11, 2024.

4. On February 23, 2024, the Public Staff filed a motion requesting an extension of time to February 28, 2024, for the Public Staff to file its direct testimony and exhibits in this docket, and an extension of time to March 13, 2024, for Red Bird to file its rebuttal testimony and exhibits. In its motion, the Public Staff states that the extension of time would allow the Public Staff and Red Bird to engage in settlement discussions to resolve certain issues in dispute.

5. On February 26, 2024, the Commission issued an order granting the Public Staff's motion for extension of time.

6. Following the Public Staff's filing of its motion for extension of time, the Moving Parties engaged in extensive settlement negotiations and have reached an agreement in principle to settle the issues in dispute. However, the Moving Parties require additional time to memorialize the terms of the agreement in principle in a stipulation and settlement agreement and to file supporting testimony and exhibits.

7. The Moving Parties respectfully request leave to file a settlement agreement and stipulation and settlement testimony and exhibits on or before March 4, 2024, in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits.

WHEREFORE, for the foregoing reasons, the Moving Parties respectfully request that the Commission grant the relief requested herein.

Respectfully submitted this 28th day of February, 2024.

Public Staff

Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 28th day of February, 2024.

Electronically submitted
/s/ Megan Jost