



**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

March 12, 2024

Ms. A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4300

Re: Docket Nos. W-1263, Sub 4 – Application of JPC Utilities, LLC for Authority to Adjust and Increase Rates for Water and Wastewater Utility Service in its Service Areas in Guilford County, North Carolina

Dear Ms. Dunston,

The Public Staff, on behalf of itself and JPC Utilities, LLC, respectfully submits for filing in the above-referenced dockets the attached Joint Motion and Proposed Order To Excuse Witnesses, Waive Cross-Examination, Admit Testimony, and Allow 60 Days To File a Joint Proposed Order.

By copy of this letter, we are forwarding a copy to all parties of record by electronic delivery.

Sincerely,

Electronically submitted  
/s/ Davia A. Newell  
Staff Attorney  
[davia.newell@psncuc.nc.gov](mailto:davia.newell@psncuc.nc.gov)

/s/ James Bernier, Jr.  
Staff Attorney  
[james.bernier@psncuc.nc.gov](mailto:james.bernier@psncuc.nc.gov)

cc: Parties of Record

Executive Director  
(919) 733-2435

Accounting  
(919) 733-4279

Consumer Services  
(919) 733-9277

Economic Research  
(919) 733-2267

Energy  
(919) 733-2267

Legal  
(919) 733-6110

Transportation  
(919) 733-7766

Water/Telephone  
(919) 733-5610

## **CERTIFICATE OF SERVICE**

I certify that I have this day served a copy of the foregoing Motion upon each of the parties of record in this proceeding or the attorney of record of such party 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 12th day of March, 2024.

Electronically submitted  
/s/ James Bernier, Jr.

**OFFICIAL COPY**

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Rules R1-4, R1-5, and R1-17, along with the direct testimony and exhibits of Darlene Peedin and Philip M. Cooke. In the Application, JPC requested an increase in rates for providing water and sewer utility service in its service areas in Guilford County, North Carolina. JPC provides water utility service to approximately 68 metered customers and wastewater utility service to approximately 58 metered customers.

2. On October 3, 2023, the Commission issued an Order Establishing General Rate Case and Suspending Rates.

3. On October 20, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). The Scheduling Order set a public witness hearing for 7:00 p.m. on Wednesday, January 17, 2024, to be held at the Guilford County Courthouse. The Scheduling Order provided that the public witness hearing could be cancelled if no significant protests were received on or before January 3, 2024. The Scheduling Order also scheduled an expert witness hearing for 10:00 a.m. on March 5, 2024, for the purpose of receiving expert witness testimony from JPC, the Public Staff, and any other party of record.

4. On January 4, 2024, the Public Staff filed a motion and proposed order to cancel the public witness hearing, stating that no significant protests had been received.

5. On January 5, 2024, the Commission issued an Order Canceling Public Witness Hearing, Rescheduling Expert Witness Hearing, Amending Certain

Filing Dates, and Requiring Customer Notice. That Order rescheduled the expert witness hearing to 10:00 a.m. on March 13, 2024.

6. Statements of customer positions, which were mailed prior to the January 3rd deadline for receipt of protest statements, were received by the Public Staff after the Commission's order canceling the public witness hearing was issued. The Public Staff filed these statements and recommended that a remote public witness hearing be held.

7. On February 7, 2024, the Commission issued an Order Scheduling Virtual Public Witness Hearing and Establishing Requirements for Notice of Virtual Public Witness Hearing, which scheduled a remote public hearing for 7:00 p.m., on Wednesday, February 28, 2024. The hearing was held as scheduled.

8. Subsequent to the filing of the Company's Application in this docket, the Public Staff engaged in substantial discovery regarding the matters addressed in the Company's Application, its testimony, its exhibits, and its updates, including but not limited to further examining the relevant books and records of JPC, and sending out data requests and reviewing the responses thereto. The Public Staff also conducted a field inspection of JPC's systems.

9. On January 31, 2024, the Public Staff filed the Direct Testimony and Exhibit of Lindsay Q. Darden, Utilities Engineer; Water, Sewer, and Telephone Division; the Direct Testimony and Exhibit of David Lentz, Public Utilities Regulatory Analyst, Accounting Division; and the Affidavit of Gregory J. Reger, Public Utilities Regulatory Analyst, Economic Research Division.

10. On February 26, 2024, JPC filed the Rebuttal Testimony and Exhibit of Darlene Peedin.

11. The Stipulating Parties participated in settlement discussions following the Public Staff's investigation of the Company's Application and the filing of the Public Staff's direct testimony and the Company's rebuttal testimony.

12. After settlement negotiations, in which certain concessions from their respective litigation positions were made by both Stipulating Parties, the Stipulating Parties were ultimately able to arrive at a joint settlement proposal.

13. On March 5, 2024, the parties notified the Commission that they had agreed in principle to a settlement.

14. Pursuant to the Scheduling Order, on March 6, 2024, JPC and the Public Staff filed a witness list and estimated cross examination times for JPC and the Public Staff witnesses.

15. On March 12, 2024, the parties filed a Settlement Agreement and Stipulation (Stipulation) resolving all issues between the Public Staff and JPC, and the joint settlement testimony of Public Staff witnesses Lentz and Darden.

16. Pursuant to the Stipulation, the Stipulating Parties agreed that all pre-filed testimony and exhibits of the Stipulating Parties may be received in evidence without objection, along with the verified Application and the Settlement Agreement and Stipulation, and the Joint Settlement Testimony, and that each Stipulating Party waives all right to cross examine any witnesses but reserve the right to

examine witnesses as follow-up to any questions from the Commission or non-stipulating parties.

17. The Public Staff has consulted with counsel for JPC, and the parties seek excusal of witnesses from appearance at the scheduled expert witness hearing of this matter.

18. The Public Staff moves that JPC witnesses Cooke and Peedin, and Public Staff witnesses Darden, Lentz, and Reger be excused from attending the evidentiary hearing in this docket.

19. The Public Staff further moves that all pre-filed testimony of witnesses Cooke, Peedin, Darden, and Lentz and witness Reger's affidavit be entered into the record as if given orally from the stand, and that all the exhibits of these witnesses be admitted into evidence.

20. The Public Staff further moves that the Application and the Stipulation filed in this docket be admitted into evidence.

21. The Public Staff also moves for 60 days from this filing to submit a Joint Proposed Order.

22. The Public Staff is authorized to represent that JPC supports the filing of this Motion.

Respectfully submitted, this the 12<sup>th</sup> day of March, 2024.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Lucy E. Edmondson  
Chief Counsel

Electronically submitted  
/s/ James Bernier, Jr.  
Staff Attorney

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**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1263, Sub 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of JPC Utilities, LLC, for Authority )	<b>PROPOSED ORDER</b>
to Adjust and Increase Rates for Water and )	<b>EXCUSING WITNESSES AND</b>
Wastewater Utility Service in its service areas )	<b>ACCEPTING TESTIMONY</b>
in Guilford County, North Carolina )	

BY THE COMMISSION: On September 6, 2023, JPC filed an Application for Rate Increase (Application) pursuant to N.C.G.S. §§ 62-133 and 62-134 and Commission Rules R1-4, R1-5, and R1-17, along with the direct testimony and exhibits of Darlene Peedin and Philip M. Cooke. In the Application, JPC requested an increase in rates for providing water and sewer utility service in its service area in Guilford County, North Carolina. JPC provides water utility service to approximately 68 metered customers and wastewater utility service to approximately 58 metered customers.

1. On October 3, 2023, the Commission issued an Order Establishing General Rate Case and Suspending Rates.

2. On October 20, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). The Scheduling Order set a public witness hearing for 7:00 p.m. on Wednesday, January 17, 2024, to be held at the Guilford County Courthouse. The Scheduling Order provided that the public witness hearing could be cancelled if no significant protests were received on or before January 3, 2024. The Scheduling Order also scheduled an expert witness hearing for 10:00 a.m. on March 5, 2024, for the

purpose of receiving expert witness testimony from JPC, the Public Staff, and any other party of record.

3. On January 4, 2024, the Public Staff filed a motion and proposed Order to Cancel the public witness hearing, stating that no significant protest had been received.

4. On January 5, 2024, the Commission issued an Order Canceling Public Witness Hearing, Rescheduling Expert Witness Hearing, Amending Certain Filing Dates, and Requiring Customer Notice. That Order rescheduled the expert witness hearing to 10:00 a.m. on March 13, 2024.

5. Statements of customer position, which were mailed prior to the January 3rd deadline for receipt of protest statements, were received by the Public Staff after the Commission's order canceling the public witness hearing was issued. The Public Staff filed these statements and recommended that a remote public witness hearing be held.

6. On February 7, 2024, the Commission issued an Order Scheduling Virtual Public Witness Hearing and Establishing Requirements for Notice of Virtual Public Witness Hearing, which scheduled a remote public hearing for 7:00 p.m., on Wednesday, February 28, 2024. That hearing was held as scheduled.

7. On January 31, 2024, the Public Staff filed the Direct Testimony and Exhibit of Lindsay Q. Darden, Utilities Engineer; Water, Sewer, and Telephone Division; the Direct Testimony and Exhibit of David Lentz, Public Utilities Regulatory Analyst, Accounting Division; and the Affidavit of Gregory J. Reger, Public Utilities Regulatory Analyst, Economic Research Division.

8. On February 26, 2024, JPC filed the Rebuttal Testimony and Exhibit of Darlene Peedin.

9. The Stipulating Parties participated in settlement discussions following the Public Staff's investigation of the Company's Application and the filing of the Public Staff's direct testimony and the Company's rebuttal testimony.

10. On March 5, 2024, the parties notified the Commission that they had agreed in principle to a settlement.

11. Pursuant to the Scheduling Order, on March 6, 2024, JPC and the Public Staff filed a witness list and estimated cross examination times for JPC and the Public Staff witnesses.

12. On March 12th the parties filed a Settlement Agreement and Stipulation (Stipulation) resolving all issues between the Public Staff and JPC, and the Joint Settlement Testimony of Public Staff witnesses Lentz and Darden.

13. Pursuant to the Stipulation, the Stipulating Parties agreed that all pre-filed testimony and exhibits of the Stipulating Parties may be received in evidence without objection, along with the verified Application and the Settlement Agreement and Stipulation, and the Joint Settlement Testimony and that each Stipulating Party waives the right to cross examine any witnesses, but reserves the right to examine witnesses as follow-up to any questions from the Commission or non-stipulating parties.

14. Also on March 12, 2024, the Public Staff filed a joint motion to excuse witnesses from appearing at the evidentiary hearing; to admit into evidence without

objection all prefiled testimony, exhibits, and affidavits, the Application, the Settlement Agreement and Stipulation; to waive each parties' right to cross examine any witnesses; and to allow 60 days to file schedules and a joint proposed order.

15. Based on the foregoing and the record, the Presiding Commissioner finds good cause to excuse witnesses Cooke, Peedin, Darden, Lentz, and Reger from appearing and testifying at the expert witness hearing and, further, to receive into record the prefiled testimony, affidavit, and exhibits of these witnesses along with the Application and the Settlement Agreement and Stipulation, and the Joint Settlement Testimony.

IT IS, THEREFORE, ORDERED as follows:

1. That all expert witnesses are excused from appearing and testifying at the hearing on March 13, 2024, their testimony and exhibits, as well as the Reger affidavit, are hereby accepted into evidence;

2. That the Application, the Settlement Agreement and Stipulation, and the Joint Settlement Testimony are hereby accepted into evidence; and

3. That on or before Friday, May 10, 2024, JPC and the Public Staff shall file a joint proposed order.

ISSUED BY ORDER OF THE COMMISSION.

This the \_\_\_\_ day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk