



Fox Rothschild LLP
ATTORNEYS AT LAW

434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Tel (919) 755-8700 Fax (919) 755-8800
www.foxrothschild.com

DAVID T. DROOZ
Direct No: 919.719.1258
Email: ddrooz@foxrothschild.com

February 24, 2022

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

Via Electronic Submittal

**Re: In the Matter of Old North State Water Company, LLC's
Application for General Rate Increase
Docket No. W-1300, Sub 60
Applicant's Motion to File Rebuttal to Public Staff Supplemental Testimony**

Dear Ms. Dunston:

Attached please find Applicant's Motion to File Rebuttal To Public Staff Supplemental Testimony in the above-referenced matter and docket.

If you should have any questions concerning this filing, please let me know.

Thank you and your staff for your assistance.

Sincerely,
s/ David T. Drooz
David T. Drooz
Attorney for
Old North State Water Company, LLC

pbb
Enclosures

cc: All parties of record

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington

121122161 1/23/2022 10:03:00 2/24/2022 2:06:43 PM

OFFICIAL COPY

Feb 24 2022

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1300, SUB 60

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Application by Old North State)	
Water Company, LLC, 3212 6th)	APPLICANT'S MOTION
Avenue South, Suite 200,)	TO FILE REBUTTAL
Birmingham, Alabama 35222, for)	TO PUBLIC STAFF
Authority to Adjust and Increase)	SUPPLEMENTAL TESTIMONY
Rates for Water Utility Service in)	
All of Its Service Areas in North)	
Carolina.)	

Now comes Old North State Water Company, LLC (Company), through undersigned counsel, and respectfully moves the Commission to allow the Company to serve discovery and file rebuttal testimony in response to supplemental testimony from the Public Staff of the North Carolina Utilities Commission (Public Staff) in the above-captioned matter. In support of this motion, the Company shows the following:

1. The Public Staff has indicated that it aims to file supplemental testimony by March 1, 2022. The hearing in this proceeding is scheduled for March 8, 2022.
2. The Company requests an opportunity to respond to the Public Staff's supplemental testimony. As the party with the burden of proof, it is appropriate for the Company to have an opportunity for rebuttal if the supplemental testimony raises issues adverse to the Company's position. The Commission should be able to hear fully from both parties on issues addressed in supplemental

testimony.

3. The Company filed rebuttal testimony on February 22, 2022, in response to the Public Staff's direct testimony of February 8, 2022. That two-week timeframe enabled the Company to conduct brief discovery and prepare testimony and exhibits in response to the Public Staff testimony. One result was that the Company agreed with several of the Public Staff's adjustments.

4. In its testimony, the Public Staff signaled that it expected to file supplemental testimony because it was seeking further information from the Company related to utility plant in-service dates and income tax gross-up on contributions. The Company has provided further information to the Public Staff on those issues, starting before and continuing after the Public Staff filed its testimony. In response to questions raised by the Public Staff on those issues, the Company made several adjustments that are alluded to in its rebuttal testimony and reflected in its rebuttal exhibits.

5. A March 1, 2022, filing of Public Staff supplemental testimony would leave the Company with inadequate time to conduct discovery on the supplemental and prepare rebuttal in response before the March 8 hearing date. However, the Company wants to attempt to respond as best it can within that short timeframe.

6. According, the Company requests that it be allowed to serve data requests on the Public Staff related to the Public Staff supplemental testimony, and that the Public Staff be ordered to respond to that discovery as soon as possible with the goal of responding as much as possible before the Company files its rebuttal, including partial responses when ready as opposed to waiting to file all

responses together.

7. The Company also requests that it be allowed to file rebuttal testimony and exhibits to the extent needed to respond to any areas of the Public Staff supplemental testimony that the Company disputes. The Company proposes March 4, 2022, as a date for the filing of its rebuttal. That date would provide the Company with three calendar days to prepare rebuttal after receiving Public Staff supplemental testimony on March 1, and provide the Commission and Public Staff with three calendar days to review the rebuttal in advance of the hearing.

8. The Company asked the Public Staff shortly before noon on February 23, 2022, if it had objections to a motion for discovery on and rebuttal of their supplemental testimony. Having not received a response yet, and in light of its desire to determine its approach to supplemental testimony as soon as possible, the Company has decided to file this Motion today rather than wait further for response on whether the Public Staff consents to or objects to the Motion.

Therefore, Old North State Water Company, LLC respectfully moves the Commission for an order that (i) allows the Company to serve data requests on the Public Staff regarding the Public Staff's supplemental testimony and exhibits, (ii) requires the Public Staff to respond as promptly to the Company's data requests as possible, and (iii) allows the Company to file rebuttal testimony by March 4, 2022, with respect to any issues that are in the Public Staff's supplemental testimony.

This the 24th day of February, 2022.

FOX ROTHSCHILD LLP

/s/ David T. Drooz

David T. Drooz
North Carolina State Bar No. 10310
Fox Rothschild LLP
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Telephone: 919.719.1258
E-mail: ddrooz@foxrothschild.com

Attorneys for
Old North State Water Company, LLC

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Motion upon each of the parties of record in this proceeding, or their attorneys of record, by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 24th day of February 2022.

Electronically submitted

/s/ David T. Drooz

Fox Rothschild LLP
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Telephone: 919.719.1258
E-mail: ddrooz@foxrothschild.com