

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-938, SUB 6  
DOCKET NO. W-1328, SUB 8

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Joint Application by Red Bird Utility Operating Company, LLC d/b/a Red Bird Water and Baytree Waterfront Properties, Inc. for Transfer of Public Utility Franchise and for Approval of Rates	) ORDER GRANTING LEAVE TO FILE CORRECTED REBUTTAL TESTIMONY AND RESCHEDULING EXPERT WITNESS HEARING

BY THE PRESIDING COMMISSIONER: On October 9, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), and Baytree Waterfront Properties, Inc. (Baytree) filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility system and public utility franchise serving Windemere Pointe Subdivision in Montgomery County, North Carolina, from Baytree to Red Bird and for approval of rates.

On September 13, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order), which, among other things, scheduled an expert witness hearing in this proceeding for Monday, November 6, 2023.

On November 3, 2023, Red Bird filed a Motion for Leave to File Corrected Rebuttal Testimony and Request that Expert Witness Hearing be Rescheduled. In support of the motion, Red Bird states that Red Bird filed the rebuttal testimony of Josiah Cox on October 30, 2023, and later discovered that a portion of witness Cox's rebuttal testimony referred to data relating to the Baytree Lakes wastewater system, which is different from the Baytree Waterfront wastewater system that is the subject of the Application in these pending dockets. Red Bird seeks to correct witness Cox's rebuttal testimony to remove references to the Baytree Lakes data and include information for the Baytree Waterfront wastewater system. Red Bird states that the Public Staff advises it does not object to the filing of corrected rebuttal testimony, and a delay in the current expert witness hearing date would provide the Public Staff with an opportunity to serve discovery related to the corrected rebuttal testimony. In addition, Red Bird agrees to a 30-day extension of the 180-day deadline of Section 1.(b) of Session Law 2023-64 to support the requested delay in the expert witness hearing.

Based on the foregoing and the entire record, the Presiding Commissioner finds good cause to grant Baytree leave to file corrected rebuttal testimony and reschedule the expert witness hearing in this proceeding to Wednesday, November 8, 2023.

IT IS, THEREFORE, ORDERED as follows:

1. That Baytree shall file witness Cox's corrected, prefiled rebuttal testimony on Monday, November 6, 2023; and

2. That the expert witness hearing shall commence on Wednesday, November 8, 2023, at 10:00 a.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

ISSUED BY ORDER OF THE COMMISSION.

This the 6th day of November, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Tamika D. Conyers".

Tamika D. Conyers, Deputy Clerk