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Admitted in: North Carolina

March 20, 2024

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

**Re: Application by Red Bird Utility Operating Company, LLC for Transfer of Public Utility Franchise in Meadowlands Subdivision in Davidson County, North Carolina and for Approval of Rates**  
**Docket No. W-1259, Sub 5**  
**Docket No. W-1328, Sub 6**

Dear Ms. Dunston:

Enclosed please find a Joint Motion to Excuse Witnesses from Appearance at Hearing on behalf of Red Bird Utility Operating Company, LLC and the Public Staff – North Carolina Utilities Commission.

Please contact me if you or the Commission have any questions regarding this filing.

Best regards,

/s/ Mindy L. McGrath  
Mindy L. McGrath

Enclosure

c: Parties of Record w/ Encl.

**CERTIFICATE OF SERVICE****Docket No. W-1259, Sub 5****Docket No. W-1328, Sub 6**

I hereby certify that a copy of Red Bird Utility Operating Company, LLC and the Public Staff – North Carolina Utilities Commission’s Joint Motion to Excuse Witnesses from Appearance at Hearing was served electronically or by depositing a copy of the same in the United States Mail, first class postage prepaid, at the addresses contained in the official service lists in these proceedings.

This the 20th day of March, 2024.

**RED BIRD UTILITY OPERATING COMPANY, LLC**

/s/ Mindy McGrath

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**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1328, SUB 6  
DOCKET NO. W-1259, SUB 5

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Meadowlands Development,	)	
LLC, and Red Bird Utility Operating	)	RED BIRD UTILITY OPERATING
Company, LLC, d/b/a Red Bird Water for	)	COMPANY, LLC AND THE PUBLIC
Transfer of Public Utility Franchise in	)	STAFF'S JOINT MOTION TO
Meadowlands Subdivision in Davidson	)	EXCUSE WITNESSES FROM
County, North Carolina, and for Approval of	)	APPEARANCE AT HEARING
Rates	)	

NOW COME Red Bird Utility Operating Company, LLC (Red Bird or the Company) and the Public Staff – North Carolina Utilities Commission (Public Staff) (collectively, the Stipulating Parties) pursuant to North Carolina Utilities Commission (Commission) Rule R1-5, and respectfully move that all witnesses be excused from testifying at the April 8, 2024, Evidentiary Hearing in the above-captioned matter. In support of this motion, Red Bird and the Public Staff show the following:

1. On October 9, 2020, Red Bird filed with the Commission a joint 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 the Meadowlands subdivision in Davidson County, North Carolina, from Meadowlands to Red Bird. Red Bird filed with the Commission supplemental and additional materials in support of the Application on October 21, 2020, July 12, 2021, August 2, 2021, December 7, 2022, August 7, 2023, August 17, 2023, December 15, 2023, and March 12, 2024.

2. On January 2, 2024, the Commission issued its Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. The Public Staff filed the requested data on January 9, 2024.
3. On January 22, 2024, the Commission issued its Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order).
4. On January 30, 2024, the Commission issued its Order Approving Customer Notice. Appendix A is the approved Notice to Customers stating that a public witness hearing is scheduled for February 26, 2024, and that the Commission may decide the matter without a public witness hearing if no significant protests are received by February 16, 2024.
5. On February 7, 2024, Red Bird filed a certificate of service stating that the Notice to Customers was mailed or hand delivered to all affected customers by the date specified in the Scheduling Order.
6. On February 8, 2024, Red Bird filed the direct testimony and exhibits of Josiah Cox, President of Red Bird and CSWR, LLC.
7. On February 20, 2024, the Commission issued its Order Canceling Public Witness Hearing as no significant protests were received from customers.
8. On February 28, 2024, the Public Staff filed a Motion for Extension of Time to File Testimony; the Commission granted the Public Staff's motion that same day.
9. On March 1, 2024, the Stipulating Parties notified the Commission that they had agreed in principle to a settlement and jointly requested leave to file a stipulation and settlement agreement 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, which the Commission granted.

10. On March 12, 2024, the Stipulating Parties filed the Settlement Agreement and Stipulation (Stipulation). The Stipulation resolves all issues between the Stipulating Parties. Also on March 12, 2024, Red Bird filed the Settlement Testimony of Josiah Cox, and the Public Staff filed the Joint Settlement Testimony of Charles A. Akpom, Shashi M. Bhatta and John R. Hinton, both in support of the Stipulation.
11. Among other things, the Stipulation provides that the Stipulating Parties agree that all pre-filed testimony and exhibits of the Stipulating Parties may be received in evidence without objection, and that each Stipulating Party waives all right to cross examine all of the Stipulating Parties' witnesses with respect to pre-filed testimony and exhibits.
12. The Stipulating Parties respectfully move that Red Bird witness Cox and Public Staff witnesses Akpom, Bhatta, and Hinton be excused from attending the evidentiary hearing in this docket.
13. Red Bird further moves that all pre-filed testimony of witness Cox be entered into the record as if given orally from the stand, and that all of his exhibits be admitted into evidence, and also moves that the Application filed in this docket, along with the supplemental materials filed on October 21, 2020, July 12, 2021, August 2, 2021, December 7, 2022, August 7, 2023, August 17, 2023, December 15, 2023, and March 12, 2024, be admitted into evidence.

14. The Public Staff further moves that all pre-filed testimony of witnesses Akpom, Bhatta, and Hinton be entered into the record as if given orally from the stand, and that all the exhibits of these witnesses be admitted into evidence.
15. The Stipulating Parties further move that the Stipulation be admitted into evidence.
16. The Stipulating Parties are not aware of any opposition to this Motion.

Respectfully submitted this 20th day of March, 2024.

Red Bird Utility Operating Company, LLC

/s/ Mindy McGrath

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Public Staff – North Carolina Utilities Commission

/s/ Megan Jost

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