

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1125, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Kashf Ain, 17715 Dry Mill Road, Leesburg,	)	
VA 20175	)	
Complainant	)	
	)	ORDER SERVING COMPLAINT
v.	)	
	)	
Outer Banks/Kinnakeet Associates, LLC,	)	
Respondent	)	

BY THE COMMISSION: Notice is hereby given of the filing with this Commission on January 18, 2022, of a complaint by Kashf Ain (Complainant) against Outer Banks/Kinnakeet Associates, LLC (Respondent).

In accordance with the Commission's Rules of Practice and Procedure, service of the complaint is hereby made on Ray Hollowell, Respondent by copy thereof attached to this Order Serving Complaint, by United States certified mail, returned receipt requested and by first class mail. Respondent is hereby directed to either satisfy the demands of Complainant or to file an answer with the Commission on or before February 3, 2022. The answer should comply with Rule R1-9 of the Commission's Rules of Practice and Procedure.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of January, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Erica N. Green, Deputy Clerk

Kashf Ain
17715 Dry Mill Rd
Leesburg, VA 20175

1/18/2022

Ms. Shonta Dunston
Chief Clerk, NC State Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

Subject: Formal Complaint – Kinnakeet Shores WWTP Moratorium

Dear Ms. Dunston,

As previously stated in the attached letter sent on November 29, 2021, we were scheduled for material delivery of modular units for home construction this month. Due to the moratorium, we delayed the delivery of modular units for home construction to March 15th. We still are not able to apply for our building permit and cannot plan for site work preparations as we do not have an idea when the moratorium will be lifted. In addition, we have been notified from the modular home manufacturer that we will not be able to delay the delivery of modular units further and will be subject to forfeiting part of or the entire amount of our deposit for our order if we cannot accept delivery on March 15th.

Kinnakeet Shores WWTP owner Ray Hollowell did not make the moratorium notice he received on August 25th, 2021 public as he was instructed. As a result, we purchased the lot in Kinnakeet Shores on October 1st 2021, performed our due diligence, made plans for modular home construction, and submitted our deposit to get our final stamped drawings for modular units delivery. We are now facing significant financial loss due to negligence.

We request that we should be given permission to apply for the building permit immediately to perform the necessary site work and foundation installation for receiving the modular units we have ordered to prevent this loss. Feel free to reach out to us if you have any questions

Respectfully,

Kashf Ain

Attachment
Consumer Statement of Position of Kashf Ain

Ms. Shonta Dunston
Chief Clerk, NC State Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

11/29/2021

Dear Ms. Dunston,

My wife and I purchased a lot in the Kinnakeet Shores community (41057 Channel Ct, Avon, NC) this year to build a house. We have completed the design and engineering for the house and are ready to apply for a building permit. When I contacted Dare County Building and Planning, I was informed that a building permit cannot be issued due to a Moratorium enforced by NC DEQ on new connections to the community's sewage water treatment plant. We have spent a lot of effort and money towards the purchase of the land, design and engineering of the building. The modular house units are scheduled to be delivered on site in January 2022, but prior to that I need to apply for a building permit, get the lot cleared and have a piling foundation installed. Without the ability to predict when the issues with the plant will be remediated and the Moratorium lifted, we are at risk of suffering significant financial losses as the contractual commitments are likely to be unmet as force majeure clauses may not cover scenarios such as this. Material orders made in advance may have to be cancelled without deposits refunded or rerouted to be stored offsite and transported resulting in significant additional expenses.

Any information in reference to the Moratorium that would help us in moving forward with our plans would be greatly appreciated.

Respectfully,

Kashf Ain
