## STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

**DOCKET NO. W-1328, SUB 11** 

## BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

)	
)	
)	ORDER CANCELING PUBLIC
)	WITNESS HEARING
)	
)	
)	
	) ) ) )

BY THE COMMISSION: On September 30, 2021, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and sewer utility service to Pine Mountain Lakes subdivision in Burke County, North Carolina.

On January 16, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) which, among other things, scheduled a public witness hearing for Tuesday, February 20, 2024, and an expert witness hearing for Monday, March 25, 2024. The Scheduling Order also states that "the Commission may cancel the public witness hearing if no significant protests are received on or before Tuesday, February 13, 2024."

On January 16, 2025, the Public Staff notified the Commission of scheduling conflicts with the dates of both the public witness hearing and the expert witness hearing and requested a change in the dates established for these hearings. The Public Staff also requested additional time between the deadline for filing protests with the Commission and the date of the public witness hearing. The Public Staff states that it wants to ensure that consumers have sufficient time to receive notice of cancellation of the public witness hearing should it be canceled.

On January 22, 2024, the Commission issued an order changing, among other things, the deadline for customer protests to Friday, February 9, 2024, and approving the customer notice. The Notice to Customers approved by the Commission's January 22, 2024 Order included the correct deadline for customer protests. The Commission's January 22, 2024 Order also states that the public witness hearing is subject to cancellation if no significant protests are received from customers by February 9, 2024.

On January 25, 2024, Red Bird filed the Certificate of Service reflecting Red Bird's service of the Notice to Customers.

On February 7, 2024, Red Bird filed a Revised Notice to Customers correcting the current and proposed wastewater rates for the motel and restaurant to \$243.52, which is lower than the rate of \$312.96 contained in the original Notice to Customers. Red Bird requested that the Commission only require the revised notice to be sent to the motel and restaurant, the only customers affected by the corrected rates.

As directed by the Commission, Red Bird contacted the owners of the motel and restaurant to notify them of the correct current and proposed wastewater rates for the motel and restaurant.

On February 13, 2024, Red Bird filed correspondence between Red Bird and the current owners of the motel and restaurant stating that the current owners had received notice of the correct commercial rates and did not wish to participate in the public hearing.

Also on February 13, 2024, the Public Staff filed a motion requesting that the public witness hearing scheduled for Tuesday, February 20, 2024, be canceled. In support of its motion, the Public Staff states that no customer protests have been filed in this docket and that neither the Public Staff nor Red Bird is aware of any other customer protests or comments made in connection with this proceeding. The Public Staff represents in its motion that Red Bird does not object to canceling the public witness hearing.

Based on the foregoing, and the entire record, the Presiding Commissioner finds good cause to cancel the public witness hearing scheduled for Tuesday, February 20, 2024, at 7:00 p.m., in the Burke County Courthouse, 201 South Green Street, Courtroom 1, Morganton, North Carolina.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

Taylor C. Berry, Deputy Clerk

Payler C. Thury