

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1300, Sub 82

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Old North State Water Company, Inc. for a Certificate of Public Convenience and Necessity to Provide Water Utility Service to Cedar Oaks Subdivision in Guilford County, North Carolina and for Approval of Rates)
) ORDER SCHEDULING HEARING
) AND ESTABLISHING DISCOVERY
) GUIDELINES
)
)

BY THE COMMISSION: On March 15, 2023, Old North State Water Company, Inc. (ONSWC) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water utility service to the Cedar Oaks Subdivision in Guilford County, North Carolina. ONSWC expects to eventually serve 67 residential customers in the Cedar Oaks Subdivision.

On May 8, 2023, the Public Staff filed a deficiency letter outlining information that was needed to complete the Application. On May 16, 2023, ONSWC filed its response to the Public Staff's deficiency letter. On July 18, 2023, ONSWC filed an amended application to further address deficiencies identified by the Public Staff.

On July 25, 2023, the Public Staff filed a letter with the Commission recommending that the Commission determine that the Application be considered complete. On July 31, 2023, the Commission issued a Notice of Complete Application.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of ONSWC, the Public Staff, and other intervenors.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 1 business day after such motion is filed.

3. Formal discovery requests related to the application and ONSWC's prefiled direct testimony shall be served on ONSWC not later than 14 calendar days prior to the deadline for filing of the Public Staff and intervenor testimony. The party served shall have up to 10 calendar days to file with the Commission objections to discovery requests on an item-by-item basis, but in no event shall objections be filed later than 10 calendar days prior to the deadline for the filing of the Public Staff and intervenor testimony.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 calendar days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 9 calendar days after that party's testimony is filed.

5. Formal discovery requests related to ONSWC's prefiled rebuttal testimony shall be served on ONSWC not later than 2 business days after such testimony is filed. The party served shall have up to 2 business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 3 business days after rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties

conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Commission finds good cause to require ONSWC and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving expert witness testimony on ONSWC's application is scheduled to begin at 1:00 p.m., on Monday, October 9, 2023, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

2. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

3. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than September 19, 2023;

4. That ONSWC's prefiled direct testimony and exhibits shall be filed on or before September 8, 2023;

5. That the Public Staff and other intervenors prefiled direct testimony and exhibits of shall be filed on or before September 19, 2023;

6. That ONSWC's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before September 29, 2023;

7. That an officer or representative from ONSWC is required to appear before the Commission at the time and place of the expert witness hearing to testify concerning any of the information contained in the Application;

8. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

9. That ONSWC shall consult with all other parties and file, no later than October 4, 2023, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot

agree, the remaining parties shall, no later than noon on October 6, 2023 make a filing indicating their points of disagreement with the ONSWC's filing; and

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of August, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, stylized initial "A".

A. Shonta Dunston, Chief Clerk