

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

STAFF CONFERENCE AGENDA
April 24, 2023
Commission Hearing Room 2115, 10:00 a.m.

ELECTRIC

PROGRAM APPROVAL

Dominion Energy North Carolina

1. Docket No. E-22, Sub 666 – Application of Dominion Energy North Carolina for approval of a non-residential lighting systems and controls program (*T. Williamson/Keyworth*)

NATURAL GAS

WHOLESALE GAS COST

Piedmont Natural Gas Company, Inc.

2. Docket No. G-9, Sub 828 – Application of PNG for an adjustment to its rates and charges to track wholesale costs of gas (*Nader/Johnson/Jost*)

Frontier Natural Gas Company

3. Docket No. G-40, Sub 172 – Application of FNG for an adjustment to its rates and charges to track wholesale costs of gas (*Nader/Johnson/Jost*)

ENERGY EFFICIENCY RIDER

Public Service Company of North Carolina, Inc.

4. Docket No. G-5, Sub 656 – Application of PSNC for an adjustment of rates in its EE Rider (*Michna/Johnson/Holt*)

WATER AND WASTEWATER

APPROVING CONSERVATION PILOT PROGRAM REVENUE RECONCILIATION SURCHARGE AND REQUIRING CUSTOMER NOTICE

Aqua North Carolina, Inc.

5. Docket No. W-218, Sub 526A – Request for a Conservation Pilot Program annual revenue reconciliation surcharge (*Junis/Feasel/Jost*)

ORDER APPROVING TRANSFER, GRANTING FRANCHISES, APPROVING RATES, AND REQUIRING CUSTOMER NOTICE

Pluris Hampstead, LLC

6. Docket No. W-1300, Sub 69 and W-1305, Sub 29 – Application for authority to transfer from ONSWC to Pluris the utility franchise and assets necessary for providing sewer utility service in a service area consisting of the real estate developments commonly known as Majestic Oaks, Majestic Oaks West, Forest Sound, and Salter's Haven at Lea Marina, Phases 1 and 2 (*Junis/Morgan/Holt*)

COMMUNICATIONS

INTERCONNECTION AGREEMENT AMENDMENT

BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina (AT&T)

7. Docket No. P-55, Sub 1642 – Amendment to the interconnection agreement with Time Warner Cable Information Services (North Carolina), LLC, approved by the Commission on June 30, 2006 (*Proffitt/Coxton*)
8. Docket No. P-55, Sub 1869 – Amendment to the interconnection agreement with South Carolina Net, Inc., approved by the Commission on August 15, 2012 (*Proffitt/Coxton*)

The Public Staff recommends approval of the preceding agenda items as described above and reflected in proposed orders provided to the Commission Staff.

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-22, SUB 666

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Virginia Electric and Power)	
Company, d/b/a Dominion Energy North	)	ORDER APPROVING
Carolina, for Approval of Non-Residential	)	PROGRAM APPLICATION
Lighting Systems and Controls Program)	

BY THE COMMISSION: On February 14, 2023, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC or the Company), filed an application (Application) seeking approval of its Non-Residential Lighting Systems and Controls Program (LSC Program) and requesting that the LSC Program become effective on June 1, 2023. The Application states that the LSC Program was filed in accordance with Commission Rule R8-68 and the Cost Recovery and Incentive Mechanism for new demand-side management (DSM) and energy efficiency (EE) programs, as most recently approved by the Commission on March 22, 2022, in Docket No. E-22, Sub 464 (Mechanism).

In its Application, DENC states that the LSC Program will provide qualifying non-residential customers in the Company's North Carolina service territory with a one-time incentive, valued at \$8,248 per new participant, to install EE measures. These EE measures include high efficiency T8/T5 lamps and fixtures, LED lamps and fixtures, and occupancy sensors/lighting controls. The Application states that participation in this LSC Program will reduce participants' total energy bills as well as the amount of energy required throughout the year on the Company's system and will provide capacity reductions during the Company's peak demand periods. DENC asserts that the LSC Program is a seamless continuation of the Company's existing DSM Phase VII Non-Residential Lighting Systems and Controls Program, which was approved by the Commission on November 13, 2019, in Docket No. E-22, Sub 573 (Phase VII LSC Program), and which consists of the same program measures as those contained in the LSC Program.

The Company states that it will utilize a program implementation vendor to enroll qualifying contractors in the LSC Program, and that the contractors will market the LSC Program to qualifying non-residential customers. The vendor will provide orientation sessions for these contractors, and a list of enrolled contractors will be posted on the vendor's website.

DENC states that the LSC Program will have a dedicated website which will contain benefits information, available installation contractors, and the enrollment application.

DENC is requesting recovery of a Program Performance Incentive and net lost revenues associated with the LSC Program, to be determined in accordance with the provision of the Mechanism.

The Application states that there are no capital costs associated with the LSC Program, and that the operating and maintenance costs associated with the LSC Program include administrative costs, implementation costs, incentive costs, property taxes, and depreciation expense. The Company proposes that these costs be funded by deferral and cost recovery through the Company's annual DSM/EE cost-recovery riders, Rider C and Rider CE, consistent with Commission Rule R8-69 and the Mechanism.

Customers electing to opt out of the DSM/EE Riders pursuant to N.C. Gen. Stat. § 62-133.9(f) cannot participate in the Program.

The Company performed cost-benefit analysis testing for the LSC Program, and each of the four industry-standard cost-benefit tests (Participant, Utility Cost, Total Resource Cost (TRC), and Ratepayer Impact Measure (RIM)) indicated that the LSC Program is likely to be cost-effective.

DENC states that it has a signed contract with DNV to develop, execute, and report the EM&V results for the Company's approved DSM/EE programs, and that DENC will work with DNV to develop a comprehensive, system-level EM&V plan for the LSC Program to be filed in the Company's 2023 EM&V Report.

The Company noted that, on August 8, 2022, a program analogous to the LSC Program was approved by the Virginia State Corporation Commission in Case No. PUR-2021-00247, which will be deployed in Virginia during the first quarter of 2023. If approved by the Commission, the LSC Program will be deployed in North Carolina in the summer of 2023, with an 11-year measure life.

On March 9, 2023, the Public Staff filed a motion to extend the deadline for comments to April 17, 2023. On March 14, 2023, the Commission issued an order granting the Public Staff's extension request.

On April 13, 2023, the Public Staff filed comments stating its conclusion that the LSC Program, as proposed by DENC, is a reasonable continuation of the Company's existing DSM Phase VII Non-Residential Lighting Systems and Controls Program. Through discovery, the Public Staff learned that the Company estimates that there will be 57 LSC Program participant additions in North Carolina on an annual basis over a five-year period. The Public Staff noted that the cost-benefit tests support the likelihood that the LSC Program will be cost-effective. In addition, the Public Staff stated that the cost-benefit tests provided by the Company for the LSC Program are in line with the cost-effectiveness tests of the Phase VII LSC Program. The Public Staff stated that it will monitor the actual cost-effectiveness results provided in the EM&V reports. Finally, the Public Staff noted that the 2022 EM&V report of the Phase VII LSC Program stated that, by the end of the second year of the program offering, the Phase VII LSC Program had

enrolled 14 customers in North Carolina, which is 23% of planned participation over a five-year period. As such, the Public Staff recommended that DENC's Non-Residential Lighting Systems and Controls Program be approved as filed.

The Public Staff presented this matter at the Commission's Regular Staff Conference on April 24, 2023. The Public Staff reiterated its conclusions and recommendations as contained within its April 13, 2023 comments, stated that the Application contained the information required by Commission Rule R8-68 and was consistent with N.C.G.S. § 62-133.9, and that the Company's estimates of program costs, net lost revenue, and performance incentive, appeared to be consistent with the requirements of the currently approved DSM/EE cost recovery mechanism. The Public Staff recommended that the Commission issue its proposed order concerning the Company's Application.

Based on the foregoing, the Commission is of the opinion that the proposed LSC Program should be approved.

IT IS, THEREFORE, ORDERED:

1. That DENC's Non-Residential Lighting Systems and Controls Program is hereby approved;
2. That DENC's Non-Residential Lighting Systems and Controls Program is eligible for recovery of program costs and incentives, in accordance with N.C.G.S. § 62-133.9 and Commission Rule R8-69;
3. That the proposed utility incentives be included in the Company's annual DSM/EE rider in accordance with Commission Rule R8-69;
4. That the Commission shall determine the appropriate ratemaking treatment for DENC's Non-Residential Lighting Systems and Controls Program, including program costs and utility incentives, in the Companies' respective annual cost recovery riders, in accordance with N.C.G.S. § 62-133.9 and Commission Rule R8-69; and
5. That DENC shall file a tariff within 10 days of the date of this Order that include the effective date of the Non-Residential Lighting Systems and Controls Program.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. G-9, SUB 828

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Piedmont Natural Gas Company,) Inc., for an Adjustment of its Rates and) Charges to Track Changes in its Wholesale) Costs of Gas)	ORDER APPROVING RATE ADJUSTMENTS EFFECTIVE MAY 1, 2023
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BY THE COMMISSION: On April 14, 2023, Piedmont Natural Gas Company, Inc. (Piedmont or Company) filed an application, pursuant to N.C. Gen. Stat. § 62-133.4, Commission Rule R1-17(k)(3), and Appendix A of Piedmont's North Carolina Service Regulations, seeking authority to decrease its Benchmark Cost of Gas from the current rate of \$3.50 per dekatherm (dt) to a rate of \$3.00 per dt.

Piedmont states that it projects it will materially over-collect its commodity cost of gas at its currently approved Benchmark Cost of Gas rate based on the wholesale cost of gas as reported by the New York Mercantile Exchange (NYMEX) and forecasted normalized throughput levels. To mitigate such an overcollection, Piedmont proposes to decrease its Benchmark Cost of Gas from \$3.50 per dt to \$3.00 per dt. Data supporting the computation of the proposed rate changes based on this revised Benchmark Cost of Gas is set forth on Schedules A and B of the petition.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on April 24, 2023. The Public Staff stated that it had reviewed the proposed rate changes and recommended approval as filed.

Based on the review of the application and the recommendation of the Public Staff, the Commission concludes that the proposed rate changes should be allowed to become effective as filed.

IT IS, THEREFORE, ORDERED as follows:

1. That Piedmont is authorized to decrease its Benchmark Cost of Gas from \$3.50 per dt to \$3.00 per dt effective for service rendered on and after May 1, 2023;
2. That Piedmont shall file its revised tariffs consistent with Ordering Paragraph 1 within five days of the date of this Order; and
3. That Piedmont shall give notice to its customers of the rate changes authorized in this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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Apr 19 2023

¹ Frontier's Benchmark Cost of Gas was last adjusted by Order dated May 31, 2022, in Docket No. G-40, Sub 166.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. G-5, SUB 656

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Annual Energy Efficiency Program Filing of	)	ORDER APPROVING RATE
Public Service Company of North Carolina,	)	ADJUSTMENTS EFFECTIVE
Inc., Pursuant to Rider F of Its Service	)	MAY 1, 2023
Regulations)	

BY THE COMMISSION: On January 17, 2023, Public Service Company of North Carolina, Inc. (PSNC or the Company) filed its Annual Energy Efficiency (EE) Program Filing addressing the operation of the Company's EE programs for the six-month period from July 1, 2022, through December 31, 2022, and requesting authority to implement its proposed EE Rider rate adjustment for calendar year 2023 (2023 Rate Period).

PSNC's 2022 Annual EE Filing was made pursuant to the requirements of Rider F, Energy Efficiency Pilot Program and Cost Recovery Rider to the Company's North Carolina Service Regulations (Rider F). The Commission approved Rider F in its Order Approving Stipulation, Granting Rate Increase, and Requiring Customer Notice issued in Docket No. G-5, Subs 632 and 634, on January 21, 2022.

On April 18, 2023, the Public Staff filed comments stating that the Company had complied with the filing requirements found in Paragraph 35 of Rider F - Appendix Cost Recovery Mechanism for EE Programs Pilot and acknowledging the challenges presented by the first EE Rider rate change request due to the unavailability of 12 months of actual data. The Public Staff also stated that the Company updated its originally proposed rate to include actual expenses for the month of March 2023. Ultimately, the Public Staff recommended that the Commission: (1) direct the Company to provide an Evaluation, Measurement, and Verification Plan in its next annual EE filing; (2) authorize the Company to proceed with the implementation of its EE programs for the 2023 rate period; and (3) approve the Company's updated proposed rates for its EE Rider for the 2023 rate period.

The proposed EE Rider rate adjustments, updated to reflect the actual expenses incurred through March 2023 and expressed in dollars per therm, are as follows:

	Residential Service (th)	Commercial Service (th)
Proposed Rate	\$0.0066	\$0.0004
Current Rate	<u>\$0.0091</u>	<u>\$0.0017</u>
Adjustment to EE rate	(\$0.0025)	(\$0.0013)

The Public Staff presented this matter at the Commission's Regular Staff Conference on April 24, 2023. The Public Staff stated it had reviewed the updated proposed EE Rider rate adjustments and recommended approval of the updated proposed EE Rider rates.

Based on the review of the application and the recommendation of the Public Staff, the Commission determines that the proposed EE Rider rate adjustments reflected on Exhibit B of the Program Filing, as updated by the Public Staff, should be allowed to become effective as of May 1, 2023.

IT IS, THEREFORE, ORDERED as follows:

1. That PSNC shall provide an EM&V program in its next annual EE program filing;
2. That PSNC is authorized to implement the updated proposed EE Rider rate adjustments as contained in the body of this Order, effective for service rendered on and after May 1, 2023;
3. That PSNC shall file its revised tariffs consistent with Ordering Paragraph 2 within five days of the date of this Order; and
4. That PSNC shall give notice to its customers of the rate changes authorized in this Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 526A

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Aqua North Carolina, Inc.,	)	ORDER APPROVING
202 MacKenan Court, Cary, North Carolina	)	CONSERVATION PILOT
27511, for Approval of Annual Adjustment to	)	PROGRAM REVENUE
Conservation Pilot Program Revenue	)	RECONCILIATION
Reconciliation Charge/Credit	)	SURCHARGE AND REQUIRING
	)	CUSTOMER NOTICE

BY THE COMMISSION: On February 7, 2023, Aqua North Carolina, Inc. (Aqua or the Company) filed a Conservation Pilot Program (Pilot Program) annual revenue reconciliation request (Reconciliation Request) pursuant to the Commission's Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Granting Partial Rate Increase, and Requiring Customer Notice (Sub 526 Rate Case Order) issued on October 26, 2020, in Docket No. W-218, Sub 526 (Sub 526 Rate Case).

On March 27, 2023, the Public Staff filed a letter in this docket stating that, based on its review of the Reconciliation Request and the Commission's Order Approving Conservation Pilot Program Revenue Reconciliation Bill Credit and Requiring Customer Notice issued August 1, 2022 (2022 Revenue Reconciliation Order), the Public Staff did not object to the surcharge requested by the Company.

On April 24, 2023, the Public Staff presented this matter at the Commission's Staff Conference. The Public Staff recommended that the Commission issue an order allowing Aqua to implement a surcharge to recover a revenue deficit in the amount of \$69,665.25 through a surcharge calculated on a volumetric basis at a rate of \$0.16 per 1,000 gallons of usage beginning with its next billing cycle and continuing through December 31, 2023.

FINDINGS OF FACT

1. Aqua is a corporation duly organized and authorized to do business under the laws of the State of North Carolina. Aqua is a franchised public utility providing water and sewer utility service to customers in North Carolina, and is subject to the Commission's jurisdiction.

2. In the Sub 526 Rate Case, Aqua proposed to implement a Conservation Pilot Program for residential customers in five of the Company's service areas in North Carolina, including a revenue reconciliation process. The Commission approved the Conservation Pilot Program for four of the five service areas included in Aqua's proposal.

3. The Sub 526 Rate Case Order includes the following Findings of Fact regarding the Conservation Pilot Program and the related revenue reconciliation process:

33. For the pilot program, Aqua NC proposed four usage tiers with inclining block rates and separate irrigation rates to be charged to residential water customers in the Arbor Run, Merion, Pebble Bay, and Bayleaf Master System service areas (a portion of the Aqua NC Water Rate Division) and The Cape service area (Fairways Water Rate Division). The Company stated that its pilot program proposal is contingent upon Commission approval of its proposed revenue reconciliation process specific to the pilot areas. According to Aqua NC, the purpose of the proposed revenue reconciliation process is to assure that the Company will receive its full authorized revenue requirement, no more and no less.

43. It is reasonable and appropriate that a Conservation Pilot Program be designed to maintain revenue sufficiency and stability for Aqua NC. A revenue reconciliation mechanism is appropriate to support the Company's reasonable opportunity to recover its full Commission-approved revenue requirements despite implementation of a Conservation Pilot Program.

44. For purposes of implementing the Conservation Pilot Program in a portion of the Aqua NC Water Rate Division, a revenue reconciliation process applicable only to the pilot group is in the public interest. It is reasonable and appropriate that a revenue reconciliation process as set forth by the Company be integral to the pilot program; however, such revenue reconciliation process allowed in this docket for this specific purpose is not intended to establish the process by which any future revenue reconciliation for Aqua NC or other regulated utilities related to actual consumption variances from Commission-approved levels in general rate case proceedings as allowed by N.C. [Gen. Stat.] § 62-133.12A will be calculated.

4. On August 1, 2022, the Commission issued its 2022 Revenue Reconciliation Order in this docket in which it concluded that the revenue reconciliation methodology based on average use per customer, as recommended by Aqua, was appropriate.

5. Aqua's Reconciliation Request is based on the third scenario presented in Aqua witness Edward Thill's Direct Exhibit 4 filed in the Sub 526 Rate Case. Under this scenario, customers were assumed to have lower than average consumption, and Aqua would collect the resulting revenue deficit through a monthly bill surcharge during the recovery period. In the Sub 526 Rate Case, the Pilot Program annualized billing determinants were 81,972 bills and 562,713,732 gallons, resulting in a monthly average consumption per bill of 6,865 gallons. The Pilot Program service revenue requirement authorized by the Commission in the Sub 526 Rate Case was \$5,482,975, comprised of

\$1,696,820 (31%) for base facility charges and \$3,786,155 (69%) for consumption charges.

6. During the 12 months of 2022, Aqua issued 84,468 bills for 563,954,700 gallons, resulting in a monthly average consumption per bill of 6,677 gallons in the pilot service areas. The actual Pilot Program service revenue was approximately \$5,595,277, consisting of \$1,765,115 for base facility charges and \$3,830,162 for consumption charges.

7. In its Reconciliation Request, Aqua compares the monthly average bill amount for consumption charges utilizing the number of bills and total consumption from the Sub 526 Rate Case of \$46.19 to the monthly average bill amount for consumption charges utilizing the actual number of bills and total consumption from the 12 months of 2022 of \$45.34. This comparison results in a revenue deficit of \$0.85 per bill, or 1.840%. Aqua proposes to collect through surcharges a total of \$69,665.25, which is the rate design's volumetric revenue of \$3,786,155 multiplied by the 1.840% deficit.

8. Aqua proposes to recover the deficit on a volumetric basis beginning April 1, 2023, and continuing through December 31, 2023, at a rate of \$0.16 per 1,000 gallons of usage, as calculated on line 21 of Appendix A to the Reconciliation Request. Aqua further proposes to monitor the amount of this recovery over the 2023 calendar year and requests authority to adjust the rate of \$0.16 per 1,000 gallons during the fourth quarter of 2023 to prevent the over or under collection of the deficit amount.

9. The Public Staff recommends that the Commission issue an order allowing Aqua to implement a surcharge to recover the revenue deficit as calculated by Aqua beginning with its next billing cycle and continuing through December 31, 2023.

DISCUSSION AND CONCLUSION

Based on the foregoing, the Commission concludes that the Aqua should be allowed to recover the revenue deficit in the amount of \$69,665.25 through the proposed surcharge and that Aqua should be authorized to adjust the surcharge in the fourth quarter of 2023 as needed to prevent the over or under collection of the 2022 authorized deficit amount.

IT IS, THEREFORE, ORDERED as follows:

1. That Aqua shall implement the recommended Conservation Pilot Program surcharge set forth herein, to be issued as part of Aqua's next billing cycle;

2. That Aqua shall mail to each of the customers in the Conservation Pilot Program service areas with the next regularly scheduled customer billing a copy of the attached Notice to Customers, and Aqua shall file the attached Certificate of Service, properly signed and notarized, not later than 45 days after the issuance of this Order; and

3. That Aqua shall notify the Commission and the Public Staff by October 1, 2023, if it intends to increase the rate above \$0.16 per 1,000 gallons to prevent the under-collection of the deficit amount.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 526A

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Aqua North Carolina, Inc.,)
202 MacKenan Court, Cary, North Carolina)
27511, for Approval of Annual Adjustment to)
Conservation Pilot Program Revenue)
Reconciliation Charge/Credit)
	NOTICE TO CUSTOMERS OF
	CONSERVATION PILOT
	PROGRAM SURCHARGE

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has issued an order authorizing Aqua North Carolina, Inc., to collect a surcharge in the amount of \$0.16 per 1,000 gallons from each water utility customer in the Arbor Run, Merion, Pebble Bay, and Bayleaf Master System service areas. The purpose of this surcharge is to recover a revenue deficit incurred by Aqua North Carolina, Inc., due to lower average per customer usage than anticipated under the Conservation Pilot Program.

The Commission's Order setting forth its findings and conclusions concerning this proceeding can be viewed on the Commission's website at www.ncuc.net, under the "Docket Search" feature, utilizing Docket No. "W-218 Sub 526A."

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers copies of the attached Notice to Customers issued by the North Carolina Utilities Commission in Docket No. W-218, Sub 526A, and the Notice was mailed or hand delivered by the date specified in the Order.

This the ____ day of _____, 2023.

By: _____
Signature

Aqua North Carolina, Inc.

The above-named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-218, Sub 526A.

Witness my hand and notarial seal, this the ____ day of _____, 2023.

Notary Public

Printed Name

(SEAL) My Commission Expires:

Date

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1300, Sub 69
DOCKET NO. W-1305, Sub 29

In the matter of		
Joint Application by Pluris Hampstead, LLC)	
5950 Berkshire Lane, Suite 800, Dallas,)	
Texas, 75225, for Authority to Acquire the	)	ORDER APPROVING
Sewer Utility Systems Serving Majestic Oaks	)	TRANSFER, GRANTING
and Hampstead Shopping Center, Forest	)	FRANCHISES, APPROVING
Sound (formerly Southside Commons and	)	RATES, AND REQUIRING
formerly Grey Bull) Majestic Oaks West, and	)	CUSTOMER NOTICE
Salter's Haven at Lea Marina in Pender)	
County, North Carolina, from Old North State)	
Water Company, LLC, and Approval of Rates)	

BY THE COMMISSION: On October 9, 2020, Old North State Water Company, Inc.¹ (ONSWC), and Pluris Hampstead, LLC (Pluris), filed an Application for Transfer of Public Utility Franchises and for Approval of Rates (Joint Application). The Joint Application proposes to transfer from ONSWC to Pluris the utility franchise and assets necessary for providing sewer utility service in a service area consisting of the real estate developments commonly known as Majestic Oaks, Majestic Oaks West, Forest Sound (f/k/a Southside Commons and f/k/a Grey Bull), and Salter's Haven at Lea Marina, Phases 1 and 2 (collectively Transfer Areas), all of which are located in Pender County, North Carolina.

On January 27, 2021, Pluris filed supplemental information and documentation, including the Asset Purchase Agreement (APA) between Pluris and ONSWC entered into on September 11, 2020, and amended the Joint Application to confirm that Pluris requests approval to use ONSWC's current residential wastewater flat rate of \$56.40 per month, as approved by the Commission in Docket Nos. W-1300, Sub 11, and M-100, Sub 138. The APA provides that Pluris will purchase from ONSWC specific wastewater utility assets that are or will be used to serve the properties in the Transfer Areas.

On February 9, 2021, the Commission issued its Order Requiring Customer Notice in these dockets (Notice Order). In the Notice Order the Commission concluded that the notice to customers required by that Order would communicate to customers that the

¹ Old North State Water Company, LLC, notified the Commission on July 12, 2022, that it had converted to Old North State Water Company, Inc., with no change of ownership.

Commission may decide this matter on the filings and approve the franchise transfers, without scheduling a hearing, if no significant protests are filed with the Commission.

On February 19, 2021, Pluris filed its notarized Certificate of Service with the Commission, which documented that the required Notice to Customers was mailed to all customers on February 18, 2021, as required by the Notice Order.

On March 8, 2021, WLI Investments, LLC (WLI) petitioned to intervene in these dockets based on its dispute as to certain terms in the agreement between ONSWC and WLI entered into on December 13, 2018, and filed in Docket No. W-1300, Sub 56 (WLI Agreement) relating to the Salter's Haven at Lea Marina development. WLI was allowed to intervene by Order issued March 11, 2021. WLI's dispute concerned the rights and obligations of the parties under the WLI Agreement as to the type of the wastewater collection systems to be constructed by WLI in an area of an "additional 30 lots located outside of the Subdivision," referred to in the WLI Agreement as the Extended Service Area or ESA (WLI Dispute). The WLI Dispute related to an area outside ONSWC's currently approved service area.

On March 12, 2021, an ONSWC customer, Mr. Jim Hutchinson, emailed the Public Staff pursuant to the Notice Order to "officially protest the rate increase for my sewer service in Majestic Oaks West, Hampstead NC." No other customer protests have been filed with the Commission relating to the Joint Application or these dockets.

On March 17, 2021, ONSWC filed a Motion to Allow Bulk Wastewater Treatment requesting that the Commission allow Pluris to provide bulk wastewater treatment service to ONSWC for the Transfer Areas due to environmental regulatory compliance issues with ONSWC's existing Majestic Oaks wastewater treatment plant (WWTP) serving those areas.

On March 23, 2021, ONSWC filed a response to WLI's Petition to Intervene.

On March 31, 2021, Pluris filed the Second Amendment to Asset Purchase Agreement.

On April 6, 2021, the Commission issued its Order Granting Motion and Approving Bulk Service Rate whereby it granted ONSWC's motion and approved ONSWC's request that Pluris be allowed to provide bulk wastewater treatment to ONSWC for the Transfer Areas, and approved the proposed rate for provision of such service by Pluris.

On April 7, 2021, WLI responded to ONSWC's filing regarding WLI's petition to intervene and the underlying contractual dispute.

On April 15, 2021, Pluris filed a letter regarding the WLI contractual dispute.

On April 19, 2021, ONSWC made a second filing regarding the WLI contractual dispute.

On June 21, 2021, Pluris made a filing informing the Commission that pursuant to the Commission's April 6, 2021, Order, Pluris had begun providing bulk wastewater treatment to ONSWC for the Transfer Areas as of May 25, 2021.

On September 28, 2021, the Commission issued its Order Recognizing Contiguous Extension and Approving Rates as to ONSWC's Notifications of Contiguous Extensions in Docket No. W-1300, Subs 30 and 56.

On September 28, 2021, the Commission issued its Order Granting Franchise and Approving Rates to ONSWC for the Forest Sound (f/k/a Southside Commons) service area in Docket No. W-1300, Sub 20.

On January 3, 2022, WLI filed a Complaint and Petition for Declaratory Ruling (WLI Complaint) in Docket Nos. W-1305, Sub 35, and W-1300, Sub 77, relating to the WLI Dispute. The parties to that proceeding reached agreement on settlement and WLI filed a Notice of Dismissal with Prejudice as to the WLI Complaint in those dockets on March 14, 2023, which the Commission accepted by Order issued March 22, 2023.

On February 17, 2022, a letter from the regional supervisor with the Water Quality Regional Operations Section, North Carolina Department of Environmental Quality (NCDEQ), was filed in support of the transfer in these dockets. That letter states that the Majestic Oaks WWTP "has been the subject of numerous violations and NCDEQ considers this to be a troubled system," and notified the Public Staff that "NCDEQ strongly supports approval of this acquisition by Pluris, due to the condition of this aged ONSWC WWTP and its related facilities, including existing disposal ponds onsite, all located within this residential community."

On August 11, 2022, ONSWC and Pluris filed their Amended Asset Purchase Agreement (Amended APA).

On August 29, 2022, ONSWC, Pluris, and the Public Staff jointly filed their Settlement Agreement and Stipulation (Stipulation) in these dockets reflecting those parties' agreement.

On March 14, 2023, WLI filed a statement in these dockets withdrawing its opposition to further proceedings on the Joint Application and requesting that the Commission promptly approve the pending transfer application.

On April 4, 2023, ONSWC, Pluris, and the Public Staff filed a verified Joint Motion for Approval of Transfer, Grant of Franchises, and Requiring Customer Notice (Joint Motion).

On April 24, 2023, the Public Staff presented this matter at the Commission's Staff Conference. The Public Staff recommended that the Commission issue an order granting the transfer of franchises, approving rates, and requiring customer notice.

On the basis of the Joint Application, and the entire record in these dockets and related proceedings, the Commission makes the following:

FINDINGS OF FACT

1. ONSWC serves the Majestic Oaks development and Hampstead Shopping Center (collectively, Majestic Oaks) pursuant to the Certificate of Public Convenience and Necessity (CPCN) issued to it in Docket No. W-1300, Sub 0, as amended in Docket No. W-1300, Sub 3.

2. ONSWC serves the Majestic Oaks West development (Majestic Oaks West) pursuant to ONSWC's Notification of Intention To Begin Operations In Area Contiguous To Present Service Area (Notification of Contiguous Extension) and the Commission's Order Recognizing Contiguous Extension in Docket No. W-1300, Sub 30.

3. ONSWC serves the Salter's Haven at Lea Marina development, Phases 1 and 2 (Salter's Haven Phases 1 and 2) pursuant to ONSWC's Notification of Contiguous Extension and the Commission's Order Recognizing Contiguous Extension in Docket No. W-1300, Sub 56.

4. ONSWC serves the Forest Sound (f/k/a Southside Commons and f/k/a Grey Bull (Forest Sound) development area pursuant to the CPCN issued to it in Docket No. W-1300, Sub 20.

5. On September 11, 2020, Pluris and ONSWC entered into an APA whereby, subject to Commission approval, Pluris agreed to acquire the utility assets, land, easements, customers, and service areas of ONSWC described in the APA. The purchase price stated in the APA was filed as Confidential.

6. ONSWC owns the wastewater assets that are or will be used to provide wastewater utility service in the Transfer Areas and which are the subject of the APA.

7. ONSWC provided the Public Staff with documentation establishing ONSWC's original cost net investment in the wastewater systems serving the Transfer Areas. Pluris provided the Public Staff with documentation establishing Pluris' investment in the force main and lift station installed for the provision of bulk service to ONSWC, as approved in the Commission's April 6, 2021 Order. The Public Staff audited that documentation. Due to the extent of the connection fees/contributions in aid of construction (CIAC) collected by ONSWC from the Transfer Areas after the Joint Application was filed, the residual original cost net investment in the ONSWC facilities to be acquired by Pluris has been reduced to the point that there is no remaining rate base in those facilities.

8. Pluris is a public utility and in the business of providing wastewater utility service. Pluris' initial CPCN for locations in the Hampstead area of Pender County was issued in Docket No. W-1305, Sub 0, by Commission Order dated November 5, 2015. Since then, the Commission has issued CPCNs to Pluris for additional service areas in Pender County in Docket No. W-1305, Subs 1, 2, 4, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

9. Pluris affiliates Pluris, LLC, and Pluris Webb Creek, LLC, operate as public utilities and provide wastewater treatment service to the public in their assigned service areas in other parts of North Carolina pursuant to CPCNs issued to them by the Commission, respectively, in Dockets Nos. W-1282 and W-1314.

10. Utility assets to be acquired from ONSWC by Pluris pursuant to the APA include easements, collection systems, lines, mains, pump stations, other equipment and facilities, and title to a 50' x 50' area of land on the site of ONSWC's Majestic Oaks WWTP, for construction of a lift station (Lift Station Tract).

11. Under the APA, ONSWC will retain ownership of the Majestic Oaks WWTP, the land where the Majestic Oaks WWTP is located (except for the Lift Station Tract and easements for utility facilities), all adjacent structures, and all ponds associated with the

Majestic Oaks WWTP and its operation located on land owned by ONSWC, including upset ponds, high-rate infiltration ponds, and other ponds. Under the APA, ONSWC is responsible for decommissioning the Majestic Oaks WWTP and the site where it is located, as well as all associated ponds, basins, and property.

12. Pluris constructed, owns, and operates an advanced Membrane Bio-Reactor (MBR) wastewater treatment plant in Hampstead. Pluris plans to treat all wastewater from the Transfer Areas at its MBR plant. For the reasons set forth in ONSWC's Motion to Allow Bulk Wastewater Treatment, Pluris expedited its construction of the lift station and interconnection facilities necessary to deliver wastewater from the Transfer Areas to Pluris' MBR plant for treatment.

13. Pursuant to the Order Granting Motion and Approving Bulk Service Rate issued in these dockets, as of May 25, 2021, Pluris began receiving and treating all wastewater generated in the Transfer Areas.

14. After closing of the sale of the subject ONSWC assets to Pluris, and within the time specified below:

(a) ONSWC shall decommission its Majestic Oaks WWTP. Such decommissioning of the Majestic Oaks WWTP shall include, but not necessarily be limited to: (i) removal of the Majestic Oaks WWTP; (ii) removal of all fences, and (iii) leveling and placing seed with straw cover over the two ponds on the Majestic Oaks WWTP site; and

(b) ONSWC shall, for the infiltration pond located on Majestic Oaks Drive on land owned by the Majestic Oaks Property Owners Association: (i) totally remove the fence around the existing infiltration pond; (ii) remove the dam or pond walls; (iii) level the pond site; (iv) create positive drainage to the easterly ditch, and (v) place seed with straw cover over the infiltration pond site.

15. The WLI Complaint in Docket Nos. W-1305, Sub 35, and W-1300, Sub 77 was settled by the parties to those dockets.

16. No significant customer protests have been filed with the Commission in these dockets relating to the transfer of the subject ONSWC utility assets, franchises, and service areas to Pluris.

17. The Majestic Oaks WWTP, which served all Transfer Areas, is a significantly troubled system.

18. Pluris has the technical, managerial, and financial capacity to own and operate the wastewater systems serving the Transfer Areas. Given the environmental regulatory compliance issues with the Majestic Oaks WWTP referenced in ONSWC's Motion to Allow Bulk Wastewater Treatment filed March 17, 2021, it is in the public interest that Pluris acquire the Transfer Areas.

19. The acquisition adjustment of \$228,770 in the facilities relating to the Transfer Areas to be acquired by Pluris, as provided for in the Stipulation, is prudent, appropriate, and in the public interest because the Majestic Oaks WWTP, which served all Transfer Areas, is a significantly troubled system and the acquisition adjustment will provide substantial benefits to all customers and the Transfer Areas. Those benefits outweigh the cost of including a portion of the acquisition premium in rate base, and the agreement as to the acquisition adjustment is the result of arm's-length bargaining among the Stipulating Parties.

20. The Commission finds reasonable the agreement of the Stipulating Parties to establish rate base at the time of transfer as \$200,000, subject to adjustment as part of Pluris' next general rate case based on connection fees collected from the Transfer Areas after February 22, 2022. This amount of rate base accounts for the acquisition adjustment as reduced by the continuing receipt of CIAC.

21. The Public Staff's recommendation that Pluris be required to post a \$50,000 bond for the Transfer Areas is reasonable. Pluris currently has \$500,000 of bonds posted with the Commission. Of this amount, \$375,000 of bond surety is assigned to specific subdivisions, and \$125,000 of bond surety is unassigned.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-4, 8-9

The evidence supporting these findings of fact is found in the Commission's records, the Joint Application, the records in the dockets cited in those findings, and the entire record in these dockets and related proceedings. These matters are undisputed.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 5 - 7, 10-11

The evidence supporting these findings of fact is found in the APA executed by ONSWC and Pluris and filed with the Commission in these dockets, as well as the Stipulation, and the entire record in these dockets and related proceedings.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 12-13

The evidence supporting these findings of fact is found in ONSWC's Motion to Allow Bulk Wastewater Treatment and the Notice Regarding Provision of Bulk Service filed by Pluris on June 21, 2021, and the Commission's records regarding the operating history and performance of Pluris and its public utility affiliates, as well as the documents filed in support of ONSWC's Motion to Allow Bulk Wastewater Treatment, which Motion was granted by Commission Order issued April 6, 2021. These matters are undisputed.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 14

The evidence supporting this finding of fact is found in the filing of the Public Staff dated September 28, 2021, which indicated that these actions and ONSWC's obligations associated with its decommissioning of the Majestic Oaks WWTP were requested by the Majestic Oaks Homeowners' Association and agreed to by ONSWC. ONSWC's agreement to comply with these obligations is reflected in the Amended APA.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 15

The evidence supporting this finding of fact is found in WLI's Notice of Dismissal with Prejudice as to the WLI Complaint, which WLI filed in Docket Nos. W-1305, Sub 35, and W-1300, Sub 77, on March 14, 2023, which the Commission accepted by Order issued March 22, 2023.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 16

The evidence supporting this finding of fact is found in the Commission's files relating to these dockets, which reflects that only one customer filed a protest regarding the proposed transfer of the subject ONSWC service areas in these dockets. That customer wrote to "protest the rate increase for my sewer service in Majestic Oaks West...." There is no proposed rate increase pending as to any of the Transfer Areas, including Majestic Oaks West, and Pluris has requested approval to continue charging the rates previously approved for ONSWC. In addition, the Commission is satisfied that the receipt of a single protest in the over two years since the Notice to Customers was mailed to all customers does not constitute a significant protest, and that there is no significant objection by customers to the transfer of these service areas to Pluris.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 17-20

Evidence supporting these findings of fact is found in the Commission's records regarding the operating history and performance of Pluris and its public utility affiliates, as well as the documents filed in support of ONSWC's Motion to Allow Bulk Wastewater Treatment, which Motion was granted by Commission Order issued April 6, 2021. These findings are also supported by the February 17, 2022 letter from the regional supervisor with the Water Quality Regional Operations Section, North Carolina Department of Environmental Quality supporting the transfer that is the subject of these dockets and stating that the Majestic Oaks WWTP "has been the subject of numerous violations and NCDEQ considers this to be a troubled system."

ONSWC has received a number of Notices of Violation (NOVs), Letters of Intent to Issue Civil Penalty, and an Assessment of Civil Penalties for the Majestic Oaks WWTP from NCDEQ. Evidence supporting these findings is also found in the Stipulation as well as the record as a whole and is based on the conclusion that the public interest will best be served by the transfer of the Majestic Oaks, Majestic Oaks West, Salters Haven, and Forest Sound service areas to Pluris.

The Commission concludes that ONSWC's Majestic Oaks wastewater treatment facility is a troubled system that is plagued with serious environmental, regulatory, and operational issues that need to be resolved as soon as possible. The acquisition adjustment will allow the Transfer Areas to be transferred from ONSWC to Pluris so that the wastewater from the Transfer Areas can be treated in Pluris' advanced MBR wastewater treatment plant in Hampstead. Once the Transfer Areas are transferred to Pluris, ONSWC has agreed to decommission the Majestic Oaks WWTP, as well as the associated ponds and basins, and remove them from the Majestic Oaks neighborhood. Once ONSWC has decommissioned the Majestic Oaks WWTP, as well as the associated ponds and basins, the significant environmental and regulatory problems with the Majestic Oaks WWTP, including odor issues that affect the homes adjacent to the WWTP, should be resolved.

The transfer of the Transfer Areas to Pluris will not only benefit the Majestic Oaks customers by allowing for decommissioning of the Majestic Oaks WWTP, but will also provide substantial benefits to the other customers in the Transfer Areas. If the APA were terminated and the facilities were not transferred to Pluris, ONSWC would have to install a new and larger wastewater treatment plant and additional disposal ponds in the Majestic Oaks neighborhood to treat the wastewater from the Majestic Oaks subdivision and the other Transfer Areas. There would be significant issues if the transfer did not occur and ONSWC had to construct a new wastewater treatment facility in the Majestic Oaks

subdivision: the wastewater treatment facility would continue to be located in close proximity to homes in the Majestic Oaks subdivision, and the substantial cost of the new wastewater treatment facility would be able to be recovered in rates from all customers in the Transfer Areas.

The Commission further concludes that due to the extent of the connection fees collected by ONSWC since the Joint Application was filed in these dockets, the CIAC has more than offset ONSWC's rate base in its assets in the Transfer Areas. This is reflected in the agreement of the Stipulating Parties to establish rate base at the time of transfer as \$200,000, subject to reduction as part of Pluris' next generate rate case based on connection fees collected from the Transfer Areas after February 22, 2022. This amount of rate base accounts for the acquisition adjustment as reduced by the continuing receipt of contributions in aid of construction. The Commission finds this is a reasonable determination of the amount of rate base that Pluris will acquire in the transfer.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 21

This finding is based on the bond recommendation of the Public Staff filed on September 28, 2021.

CONCLUSIONS

Based upon the foregoing, and given the lack of any significant customer protest relating to the transfer of these ONSWC service areas to Pluris, the Commission concludes that the transfer of the franchises and assets for the Transfer Areas from ONSWC to Pluris is in the public interest and should be approved, and that the CPCN attached hereto as Appendix B should be granted to Pluris authorizing it to provide wastewater utility service in the Majestic Oaks, Majestic Oaks West, Salters Haven, and Forest Sound service areas.

IT IS, THEREFORE, ORDERED as follows:

1. That the application for the transfer of the utility wastewater assets and systems from ONSWC to Pluris in Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound is hereby approved;
2. That Appendix A attached hereto shall constitute the Certificate of Public Convenience and Necessity issued to Pluris for the Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound service areas;

3. That the Notice to Customers attached hereto as Appendix B shall be mailed with sufficient postage or hand delivered to all customers with Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound service areas within ten business days of the effective date of this Order;

4. That the Schedule of Rates for service to be provided by Pluris in the Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound service areas is attached as Appendix C;

5. That the Settlement Agreement and Stipulation is approved and accepted, and an acquisition adjustment in the amount of \$228,770 relating to the facilities in the Transfer Areas to be acquired by Pluris is approved;

6. That the Stipulation is approved and accepted, and the net investment in the ONSWC assets acquired by Pluris at the time of transfer is \$200,000;

7. That Pluris shall file the Certificate of Service attached hereto, properly signed and notarized, not later than 20 days after the issuance of this Order;

8. That Pluris shall continue to charge the rates currently authorized for ONSWC for service in the Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound service areas until any change in such rates is approved by the Commission;

9. That after closing of the sale of the subject ONSWC assets to Pluris, and within the time specified below:

(a) ONSWC shall decommission the Majestic Oaks WWTP. Such decommissioning of the Majestic Oaks WWTP shall include, but not necessarily be limited to: (i) removal of the Majestic Oaks WWTP; (ii) removal of all fences, and (iii) leveling and placing seed with straw cover over the two ponds on the Majestic Oaks WWTP site; and

(b) For the infiltration pond located on Majestic Oaks Drive on land owned by the Majestic Oaks Property Owners Association ONSWC shall: (i) totally remove the fence around the existing infiltration pond; (ii) remove the dam or pond walls; (iii) level the pond site; (iv) create positive drainage to the easterly ditch, and (v) place seed with straw cover over the infiltration pond site;

10. That \$50,000 of Pluris Hampstead, LLC's unassigned surety bond is assigned to the Majestic Oaks, Majestic Oaks West, Salters Haven at Lea Marina Phases

1 and 2, and Forest Sound service areas. The remaining unassigned bond surety shall be \$75,000; and

11. That Pluris shall notify the Commission within five business days after the closing of the transfer of assets provided for in the parties' Asset Purchase Agreement.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 29

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

PLURIS HAMPSTEAD, LLC

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide sewer utility service

in

Majestic Oaks and Hampstead Shopping Center, Majestic Oaks West,
Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound service areas
Pender County, North Carolina

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1300, Sub 69
DOCKET NO. W-1305, Sub 29

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the matter of		
Application for Transfer of Public Utility)	
Franchises of Old North State Water	)	NOTICE TO CUSTOMERS
Company, Inc. to Pluris Hampstead,)	
LLC)	

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission (Commission) has approved the transfer of the wastewater public utility franchise and systems of Old North State Water Company, Inc. (ONSWC) to Pluris Hampstead, LLC (Pluris). The Commission has also issued a certificate of public convenience and necessity to Pluris authorizing it to provide wastewater utility service throughout Majestic Oaks and Hampstead Shopping Center, Majestic Oaks West, Salters Haven at Lea Marina Phases 1 and 2, and Forest Sound (formerly known as Southside Commons and before that, Grey Bull) developments.

The Commission has approved for Pluris (as franchise owner) the continuation of the current rates of ONSWC as previously authorized in the Commission's Orders in Docket Nos. W-1300, Sub 11 and M-100, Sub 138.

On February 9, 2021, the Commission issued its Order Requiring Customer Notice in these dockets (Notice Order). In that Order the Commission concluded that the notice to be sent to ONSWC's customers in the subject service areas would communicate to those customers that the Commission may decide this matter on the filings and approve the franchise transfer and continuation of the interim rate, without scheduling a hearing, if no significant protests were filed with the Commission.

One objection or protest has been filed with the Commission relating to the Joint Application or these dockets, in the over two-year period since the Commission's required Customer Notice was mailed out.

Pluris has the technical, managerial, and financial capacity to own and operate the wastewaters system assets which it will acquire from ONSWC serving Majestic Oaks and Hampstead Shopping Center, Majestic Oaks West, Salters Haven at Lea Marina Phases

1 and 2, and Forest Sound developments, and it is in the public interest that the Joint Application be granted.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

Appendix C

SCHEDULE OF RATES
for
PLURIS HAMPSTEAD, LLC

for providing sewer utility service in

Majestic Oaks and Hampstead Shopping Center, Majestic Oaks West, Salters Haven
at Lea Marina development Phases 1 and 2, and Forest Sound service areas

Pender County, North Carolina

Monthly Flat Rate (Residential):	\$56.40 per SFE
Connection Fee: Residential	\$4,200 per SFE
Reconnection Charge: If sewer is cut off by utility for good cause:	\$30.00
Bills Due:	On billing date
Bills Past Due:	15 days after billing date
Billing Frequency:	Shall be monthly for service in advance
Returned Check Fee:	\$25.00
Finance Charges for Late Payment:	1% per month will be applied to the unpaid balance of all bills still past due 25 days after billing date

Issued in accordance with authority granted by the North Carolina Utilities Commission in
Docket No. W-1305, Sub 29, on this the ____ day of _____, 2023.

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers a copy of the Notice to Customers required by the Order Approving Transfer, Granting Franchise, Approving Rates and Requiring Customer Notice issued by the North Carolina Utilities Commission in Docket Nos. W-1300, Sub 69 and W-1305, Sub 29, and such Notice to Customers was mailed or hand delivered by the date specified in that Order.

This the _____ day of _____, 2023.

By: _____

Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required copy of the Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket Nos. W-1300, Sub 69 and W-1305, Sub 29.

Witness my hand and notarial seal, this the _____ day of _____, 2023.

Notary Public

Printed Name

(SEAL) My Commission Expires: _____
Date

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-55, SUB 1642

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Interconnection Agreement between BellSouth)	
Telecommunications, LLC, d/b/a AT&T North	)	ORDER APPROVING
Carolina, and Time Warner Cable Information	)	AMENDMENT
Services (North Carolina), LLC)	

BY THE COMMISSION: On March 6, 2023, BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and Time Warner Cable Information Services (North Carolina), LLC (collectively, the Parties), filed, for Commission approval, an amendment to their existing interconnection agreement approved by the Commission on June 30, 2006.

The amendment implements the changes mandated by the Federal Communications Commission (FCC) in WC Docket No. 18-141, by FCC 19-66 and FCC 19-72 (FCC UNE and Resale Forbearance Orders) and WC Docket No. 19-308, by FCC 20-152 (FCC UNE Relief Order).

The filing was made in compliance with Commission Rule R17-4(d) and Sections 252(e) and 252(i) of the Telecommunications Act of 1996. The Commission considered the matter at its Regular Staff Conference on April 24, 2023. The Public Staff recommended that the amendment be approved, and the Commission approved the recommendation.

IT IS, THEREFORE, ORDERED that the amendment, filed on March 6, 2023, to the existing agreement between the Parties is hereby approved effective on the date of filing.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-55, SUB 1869

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Interconnection Agreement between BellSouth)
Telecommunications, LLC, d/b/a AT&T North) ORDER APPROVING
Carolina, and South Carolina Net, Inc.) AMENDMENT

BY THE COMMISSION: On February 6, 2023, BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and South Carolina Net, Inc. (collectively, the Parties), filed, for Commission approval, an amendment to their existing interconnection agreement approved by the Commission on August 15, 2012.

The amendment modifies the specified rates, terms, and conditions related to DS1 and DS3 transport service.

The filing was made in compliance with Commission Rule R17-4(d) and Sections 252(e) and 252(i) of the Telecommunications Act of 1996. The Commission considered the matter at its Regular Staff Conference on April 24, 2023. The Public Staff recommended that the amendment be approved, and the Commission approved the recommendation.

IT IS, THEREFORE, ORDERED that the amendment, filed on February 6, 2023, to the existing agreement between the Parties is hereby approved effective on the date of filing.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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