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Admitted in: North Carolina

March 18, 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 and A&D Water Services, Inc. for Transfer of Public Utility Franchise and for Approval of Rates
Docket No. W-1049, Sub 25
Docket No. W-1328, Sub 2

Dear Ms. Dunston:

Enclosed please find a Motion for Leave to File Stipulation and Settlement Testimony 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-1049, SUB 25****DOCKET NO. W-1328, SUB 2**

I hereby certify that a copy of Red Bird Utility Operating Company, LLC and the Public Staff – North Carolina Utilities Commission’s Motion for Leave to File Stipulation and Settlement Testimony 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 18th 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 2
DOCKET NO. W-1049, SUB 25

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of A&D Water Services, Inc. and)	JOINT MOTION FOR LEAVE TO
Red Bird Utility Operating Company, LLC,)	FILE STIPULATION AND
d/b/a Red Bird Water for Transfer of Public)	SETTLEMENT TESTIMONY
Utility Franchise and for Approval of 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 Moving Parties), and respectfully move the North Carolina Utilities Commission (Commission) to grant the Moving Parties leave to file a stipulation and settlement agreement and settlement testimony and exhibits in lieu of Red Bird filing rebuttal testimony and exhibits. In support of this motion, the Moving Parties show the following:

1. On October 9, 2020, A&D Water Services, Inc. (A&D) and 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 assets of the water and wastewater utility systems serving the Buffalo Meadows, Camelot, Cinnamon Woods, High Vista, Hunters Glen, Kirk Glen, Mountain Valley, Rolling Oaks Estates, Sapphire Lakes, Sherwood Forest, Skyview Park, and White Oak Village subdivisions, in Ashe, Henderson, Buncombe, Transylvania, and Gaston Counties, North Carolina from A&D to Red Bird. Red Bird filed with the Commission

supplemental and additional materials in support of the Application on October 20, 2020, July 2, 2022, October 8, 2022, October 11, 2022, December 15, 2022, June 14, 2023, December 12, 2023, and January 17, 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 23, 2024, the Commission issued its Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). The Scheduling Order provides that Red Bird's prefiled Rebuttal Testimony shall be filed on or before Friday, March 15, 2024.
4. On March 14, 2024, Red Bird filed a Motion for Extension of Time requesting to file its rebuttal testimony and exhibits on Tuesday, March 19, 2024. Red Bird stated that the extension of time would allow Red Bird and the Public Staff to engage in further settlement discussions and resolve certain disputed issues. Also on March 14, 2024, the Commission granted Red Bird's Motion for Extension of Time.
5. Following Red Bird's filing of its Motion for Extension of Time, the Moving Parties continued to engage in settlement negotiations, and Red Bird and the Public Staff ultimately reached an agreement in principle to settle the disputed issues in this proceeding. The Moving Parties now require additional time to memorialize the terms of the agreement in a stipulation and settlement agreement and to finalize and file supporting testimony and exhibits.

6. Therefore, the Moving Parties respectfully request leave to file a stipulation and settlement agreement and settlement testimony and exhibits on or before March 21, 2024, in lieu of Red Bird filing rebuttal testimony and exhibits on March 19, 2024.

WHEREFORE, for the foregoing reasons, the Moving Parties respectfully request that the Commission grant the requested relief.

Respectfully submitted this 18th day of March, 2024.

Red Bird Utility Operating Company, LLC

/s/ Mindy McGrath

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Public Staff – North Carolina Utilities Commission

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