

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

Docket No.: W-1297, Sub 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

PINNACLE BANK, as successor by merger)	
with BANK OF NORTH CAROLINA,)	
)	
Complainant,)	<u>SECOND MOTION FOR EXTENSION</u>
)	<u>OF TIME</u>
v.)	
)	
HARKERS ISLAND SEWER COMPANY,)	
)	
Respondent.)	

NOW COMES Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), by and through the undersigned counsel, and moves that the Commission grant it a second extension of time to reply to the Answer of Respondent as directed via Order Serving Corrected Answers and Responses entered June 18, 2019 for a period of twenty (20) days through and including August 20, 2019. In support of this Motion, Pinnacle states the following:

1. Complainant initially filed its Complaint on May 2, 2019.
2. On May 10, 2019, the Commission issued its "Order Serving Complaint" directing Respondent HISCO to file an answer or other response on or before May 24, 2019.
3. On May 24, 2019, counsel for Respondent requested an extension of time through and including June 4, 2019. Complainant's counsel did not oppose the request for an extension of time, contingent upon it being for no longer than approximately 10 days.

4. By order entered May 30, 2019, the Commission granted the requested extension through and including June 4, 2019.

5. On June 3, 2019, counsel for Respondent requested a second extension of time through and including June 14, 2019.

6. On June 5, 2019, the Commission granted the requested extension through and including June 14, 2019.

7. On June 18, 2019, the Commission entered the Order Serving Corrected Answers and Responses, and directed Complainant to respond on or before July 1.

8. On June 27, 2019, Complainant filed its first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission on July 1, 2019.

9. In connection with the aforementioned first motion, Counsel for Complainant and Counsel for Respondent indicated a need for additional time to exchange information relevant to the issues raised in the Complaint, and Complainant needs more time to review any such newly exchanged information once provided by Respondent.

10. On the evening of July 30, 2019, on the eve our Complainant received a communication from Respondent containing some of the requested information. Complainant needs more time to review any such newly exchanged information recently provided by Respondent.

11. Complainant does not yet know whether a hearing on the matters raised in the Complaint will be requested, but would like to provide the parties with a reasonable opportunity to exchange information and engage in further discussions before requesting such a hearing.

12. Complainant hereby submits to the Commission a request for a twenty (20) day extension of time to submit a reply to the Answer of Respondent up to and including August 20, 2019.

13. Counsel for Complainant has conferred with Counsel for Respondent, and Counsel for Respondent has consented to the request for an extension as outlined herein.

14. This Motion is timely filed on or before the Commission's prior Order seeking a response on or before July 31, 2019.

WHEREFORE, the undersigned counsel for Complainant Pinnacle respectfully requests that the Commission issue an Order Granting Extension of Time through and including August 20, 2019 to submit a response to the Answer of Respondent.

A Proposed order is attached for the convenience of the Commission.

This the 31st day of July, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S ANSWER TO COMPLAINT on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.
DAVIS HARTMAN WRIGHT, PLLC
209 Pollock Street
New Bern, NC 28560
Email: icw@dhwlegal.com
Attorney for Respondent HISCO

This the 31st day of July, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

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Complainant,)	<u>ORDER GRANTING MOTION FOR</u>
)	<u>EXTENSION OF TIME</u>
v.)	
)	
HARKERS ISLAND SEWER COMPANY,)	
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Respondent.)	

BY THE COMMISSION: On July 31, 2019, Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), through counsel, filed a Motion for Extension of Time to File Response to the Answer to Complaint in the above-captioned proceeding for the purposes of allowing the parties additional time to exchange information that may be relevant to the issues raised in the above-captioned matter. Complainant further informs the Commission that counsel for Respondent consents to the Motion for an extension of time to file a response to the Answer to Complaint.

The Commission has reviewed the record, including the Complainant's Motion, and finds that good cause exists to grant the extension of time from August 1, 2019 to August 20, 2019 for Complainant to file a response to the Answer to Complaint. The Commission further finds good cause to serve this Order on the Parties by electronic mail, delivery confirmation requested.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the _____ day of July, 2019.

_____, Deputy Clerk