



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

October 5, 2023

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket No. W-218, Sub 551
Application by Aqua North Carolina, Inc., for Authority to Transfer the
Northgate Water System to the Town of Fuquay-Varina via Lear
Corporation

Dear Ms. Dunston:

On behalf of the Public Staff and Aqua North Carolina, Inc., I herewith provide for filing in the above referenced docket, a Joint Motion to Cancel Public and Expert Witness Hearings.

By copy of this letter, I am serving all parties of record.

Sincerely,

Electronically submitted

/s/ Megan Jost

Staff Attorney

megan.jost@psncuc.nc.gov

OFFICIAL COPY

Oct 05 2023

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 551

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Aqua North Carolina, Inc.,)	
for Transfer of Water Utility System)	JOINT MOTION TO CANCEL
Serving Northgate Subdivision in Wake)	PUBLIC AND EXPERT
County, North Carolina to the Town of)	WITNESS HEARINGS
Fuquay-Varina via Lear Corporation,)	
Owner Exempt from Regulation)	

The Public Staff – North Carolina Utilities Commission (Public Staff), through its Executive Director, Christopher J. Ayers, and Aqua North Carolina, Inc. (Aqua or Company), through counsel (collectively, the Parties), request that the North Carolina Utilities Commission (Commission) cancel the hearings scheduled for this matter. In support of this Joint Motion, the Parties show the following.

1. On October 6, 2021, Aqua filed with the Commission an application seeking to transfer the water utility system serving Northgate Subdivision in Wake County, North Carolina to the Town of Fuquay-Varina via Lear Corporation, owner exempt from regulation (Application), in accordance with N.C. Gen. Stat. § 62-111. Aqua served approximately 30 residential customers in the Northgate Subdivision.
2. On July 25, 2023, the Public Staff filed a letter recommending that the Commission determine that Aqua's Application is complete.
3. On July 31, 2023, the Commission issued a Notice of Complete

Application.

4. On August 16, 2023, the Commission issued an Order Scheduling Hearing, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). Among other things, the Scheduling Order established deadlines for the filing of testimony and set this matter for a public witness hearing on October 10, 2023, and an expert witness hearing on October 16, 2023. The Scheduling Order states that the Commission may cancel the public witness hearing if no significant protests are received on or before Tuesday, October 3, 2023. The Scheduling Order also directed the Parties to develop a Notice to Customers to be delivered to all affected customers and file such Notice to Customers for approval of the Commission.

5. On August 22, 2023, Aqua filed a Notice to Customers that had been agreed on by the Parties.

6. On September 5, 2023, the Commission issued an Order Approving Customer Notice with Edits.

7. On September 6, 2023, Aqua filed a Certificate of Service, properly signed and notarized, verifying that the Notice to Customers was mailed to all affected customers by the date specified in the Commission's Order dated September 5, 2023.

8. On September 8, 2023, the Parties filed a Settlement Agreement and Stipulation to Allow Recovery of Loss on Sale (Stipulation). The Stipulation

resolves all issues between the Parties, provided that agreement can be reached on closing and abandonment costs allowable for recovery beyond the loss on sale amount that is agreed upon in part II.B. of the Stipulation.

9. On September 12, 2023, the Parties filed a Joint Motion to Excuse Witnesses from Prefiling Testimony. In support of the joint motion, the Parties stated that, because they had settled all known differences and had provided a procedure to update the closing and abandonment costs at a later date, there were no issues between the parties that needed to be resolved through presentation of expert witness testimony. The Parties also stated that the Public Staff would present this matter on the agenda for a Regular Staff Conference in lieu of hearing if no issues were raised by customers. However, if customers raised issues and the public witness hearing was not cancelled, the Parties stated that they would make witnesses available at the scheduled expert witness hearing to address those customer issues.

10. On September 14, 2023, the Commission issued an Order Excusing Prefiled Testimony.

11. As of the filing of this motion, no consumer statements of position have been filed in the above-referenced docket in connection with this matter. Further, Aqua has represented to the Public Staff that it is not aware of any customer protests or comments made in connection with this matter.

WHEREFORE, the Parties move that the Commission issue an order:

1. Cancelling the public witness hearing scheduled for 7:00 p.m. on Tuesday, October 10, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, 27603;
2. Cancelling the expert witness hearing scheduled for 1:00 p.m., on Monday, October 16, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, 27603;
3. Directing Aqua to notify customers that the public and expert witness hearings have been cancelled and file proof of the giving of such notice; and
4. Granting such other and further relief as may be just and proper.

Respectfully submitted this 5th day of October, 2023.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/ Megan Jost
Staff Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Response on all parties of record, or their attorneys, or both, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 5th day of October, 2023.

Electronically submitted
/s/ Megan Jost