

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1049, SUB 25
DOCKET NO. W-1328, SUB 2

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of A&D Water Services, Inc.)	ORDER EXCUSING WITNESSES,
and Red Bird Utility Operating Company,)	ACCEPTING TESTIMONY,
LLC, d/b/a Red Bird Water for Transfer of)	CANCELING EXPERT WITNESS
Public Utility Franchise and for Approval)	HEARING, AND REQUIRING
of Rates)	PROPOSED ORDERS

BY THE PRESIDING COMMISSIONER: On October 9, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), and A&D Water Service, Inc. (A&D), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and/or wastewater utility systems and public utility franchise serving the Buffalo Meadows, Camelot, Cinnamon Woods, High Vista, Hunters Glen, Kirk Glen, Mountain Valley, Rolling Oaks Estates, 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, and approval of rates.

On January 23, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) that, among other things, scheduled an expert witness hearing to begin at 2:00 p.m. on Monday, April 1, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

On March 21, 2024, Red Bird and the Public Staff (Stipulating Parties) filed a Settlement Agreement and Stipulation (Stipulation). Also on March 21, 2024, Red Bird filed the Settlement Testimony of Josiah Cox, and the Public Staff filed the Joint Settlement Testimony and Exhibits of Kuei Fen Sun and D. Michael Franklin.

On March 22, 2024, the Stipulating Parties filed a Joint Motion to Excuse Witnesses, Waive Cross-Examination, and Admit Testimony (Joint Motion) requesting that Red Bird witness Cox and Public Staff witnesses Sun and Franklin be excused from attending the expert witness hearing in this docket, that all of their prefiled testimony be entered into the record as if given orally from the stand, and that all of their exhibits be admitted into evidence. Additionally, the Stipulating Parties move that the Application and supplemental and additional materials filed in support of the Application as well as the Stipulation be admitted into evidence.

In support of the Joint Motion to Excuse Witnesses, the Stipulating Parties state: (1) that the Stipulation resolves all contested issues in this matter; (2) that the Stipulating Parties agree that all prefiled testimony and exhibits of the Stipulating Parties may be received in evidence without objection; and (3) that each Stipulating Party waives all right to cross examine all of the Stipulating Parties' witnesses with respect to prefiled testimony and exhibits. The Stipulating Parties are not aware of any opposition to the Joint Motion to Excuse Witnesses.

Based on the Stipulating Parties' Joint Motion, all filings in the dockets, including the jointly filed Settlement Agreement and Stipulation, and the record as a whole, the Presiding Commissioner finds good cause to excuse all witnesses from testifying at the expert witness hearing and further, to receive into the record, the witnesses' prefiled testimony and exhibits, the Application and supplemental material, and the jointly filed Settlement Agreement and Stipulation.

The Presiding Commissioner also finds good cause to cancel the expert witness hearing scheduled for Monday, April 1, 2024, in Raleigh, North Carolina, and to require that Red Bird and the Public Staff file proposed orders, or a joint proposed order, on or before Friday, April 19, 2024.

IT IS, THEREFORE, ORDERED as follows:

1. That the parties and the expert witnesses in this matter are excused from appearing and testifying at the hearing on Monday, April 1, 2024, and the witnesses' prefiled testimony, and exhibits, the Application along with the supplemental materials and attachments to the Application, and the jointly filed Settlement Agreement and Stipulation are hereby admitted into evidence;
2. That the expert witness hearing previously scheduled for Monday, April 1, 2024, at 2:00 p.m. in Raleigh, North Carolina, is hereby canceled; and
3. That the parties shall file proposed orders, or a joint proposed order, on or before Friday, April 19, 2024, and briefs by the same date, if they desire to file briefs.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk