

NORTH CAROLINA PUBLIC STAFF UTILITIES COMMISSION

March 12, 2024

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

Re: Docket Nos. W-1259, Sub 5 and W-1328, Sub 6 – Application for Transfer of Public Utility Franchise from Meadowlands Development, LLC, to Red Bird Water and for Approval of Rates

Dear Ms. Dunston,

Attached for filing on behalf of the Public Staff in the above-referenced dockets is the joint settlement testimony and exhibit of Charles A. Akpom, Shashi M. Bhatta, and John R. Hinton.

By copy of this letter, we are forwarding a copy to all parties of record by electronic delivery.

Sincerely,

Electronically submitted
/s/ James Bernier, Jr.
Staff Attorney
james.bernier@psncuc.nc.gov

/s/Megan Jost Staff Attorney megan.jost@psncuc.nc.gov

cc: Parties of Record

Executive Director (919) 733-2435

Accounting (919) 733-4279

Consumer Services (919) 733-9277 Economic Research (919) 733-2267

Energy (919) 733-2267 Legal (919) 733-6110

Transportation (919) 733-7766

Water/Telephone (919) 733-5610

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record

or their attorneys, or both, in accordance with Commission Rule R1-39, 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 12th day March, 2024.

Electronically submitted

/s/ Megan Jost Staff Attorney

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1259, SUB 5 DOCKET NO. W-1328, SUB 6

In the Matter of	
Application of Meadowlands) JOINT SETTLEI	MENT
Development, LLC, and Red Bird Utility) TESTIMONY OF	•
Operating Company, LLC, d/b/a Red) CHARLES A. AI	KPOM,
Bird Water for Transfer of Public Utility) SHASHI M. BHA	TTA, AND
Franchise in Meadowlands Subdivision) JOHN R. HINTO	N
in Davidson County, North Carolina, and) PUBLIC STAFF	_
for Approval of Rates) NORTH CAROL	INA
) UTILITIES COM	MISSION

March 12, 2024

- 1 Q. Mr. Akpom, please state your name, business address, and
- 2 present position.
- 3 A. My name is Charles A. Akpom. My business address is 430 North
- 4 Salisbury Street, Raleigh, North Carolina. I am a Public Utility
- 5 Regulatory Analyst with the Accounting Division of the Public Staff –
- 6 North Carolina Utilities Commission (Public Staff).
- 7 Q. Please state your qualifications and duties.
- 8 A. My qualifications and duties are attached as Appendix A.
- 9 Q. Ms. Bhatta, please state your name, business address, and
- 10 present position.
- 11 A. My name is Shashi M. Bhatta. My business address is 430 North
- 12 Salisbury Street, Raleigh, North Carolina. I am a Public Utilities
- 13 Engineer with the Water, Sewer, and Telephone Division of the
- 14 Public Staff.
- 15 Q. Please state your qualifications and duties.
- 16 A. My qualifications and duties are attached as Appendix B.
- 17 Q. Mr. Hinton, please state your name, business address, and
- 18 **present position.**
- 19 A. My name is John R. Hinton, and my business address is 430 North
- 20 Salisbury Street, Raleigh, North Carolina. I am the Director of the

Economic Research Division of the Public Staff. My qualifications and experience are provided in Appendix C.

Q. What is the purpose of your testimony?

3

4 Α. The purpose of our testimony is to provide support for the Settlement 5 Agreement and Stipulation (Stipulation) filed on March 12, 2024, entered into between Red Bird Utility Operating Company, LLC (Red 6 7 Bird), and the Public Staff (together, the Stipulating Parties) 8 regarding the transfer of the Meadowlands Subdivision wastewater 9 utility system in Davidson County, North Carolina, requested jointly 10 by Red Bird and Meadowlands Development, LLC, in Docket Nos. 11 W-1259, Sub 5 and W-1328, Sub 6. Our support for the Stipulation 12 is informed by our investigations of the Application for Transfer of 13 Public Utility Franchise and for Approval of Rates filed on October 9, 14 2020, 1 by Red Bird and Meadowlands Development, LLC.

¹ Red Bird amended and supplemented the application through filings made on October 21, 2020; July 12 and August 2, 2021; December 7, 2022; June 15, August 7,

August 17, and December 15, 2023; and March 12, 2024.

- 1 Q. Based on your investigations, what is your opinion of Red
- 2 Bird's ability to own and operate the Meadowlands wastewater
- 3 system?
- 4 A. Based on our investigation, Red Bird has the financial, technical, and
- 5 managerial capabilities necessary to provide wastewater utility
- 6 service to customers in the Meadowlands service area.
- 7 Q. Briefly describe the Stipulation.
- 8 A. The Stipulation sets forth the agreement between the Stipulating
- 9 Parties on all items, including the Stipulating Parties' agreement that
- 10 Red Bird should be granted a transfer of the public utility franchise to
- provide wastewater utility service for the Meadowlands Subdivision
- service area, and Red Bird will adopt the proposed tariffs and the
- following rates currently in effect for Meadowlands Subdivision
- approved in Docket No. W-1259, Sub 4 and Docket No. M-100, Sub
- 15 138, by order issued April 2, 2015:

1 2	Monthly Wastewater Utilit Residential Flat Ra		\$	45.31
3 4 5	Reconnection Charge: If sewer service cut off by If sewer service discontinu		\$ \$	14.10 14.10
6	Returned Check Charge:		\$	23.50
7	Bills Due:	On billing date		
8	Bills Past Due:	15 days after billing date		
9	Billing Frequency:	Shall be monthly for service	e in	arrears
10 11 12	Finance Charge for Late Payment:	1% per month will be appl unpaid balance of all bills s days after the billing date.	still p	
13	The Stipulation provides t	hat Red Bird will not pursue	an a	acquisition
14	adjustment related to the	Meadowlands wastewater	sys	tem in the
15	present or any future proc	eedings, and that the appro	priat	e net plant
16	in service is \$0, based on	information through January	/ 31,	2024, and
17	a data request response i	ndicating that the Seller exp	ense	ed the cost
18	of the system and all add	itions. No plant additions th	roug	h the date
19	of the closing of the sale of	of the Meadowlands wastew	/ater	system to
20	Red Bird will be included	in this or any future proceed	lings	
21	Regarding costs associ	ated with the transfer, t	he :	Stipulation
22	provides that, in its next	general rate case, Red Bir	d ma	ay request
23	recovery of costs for eng	ineering due diligence wor	k list	ed in Cox
24	Direct Exhibit 5 and supp	orted by invoices provided	in re	sponse to
25	Public Staff Data Reques	st No. 6 up to \$84,078.06	rela	ted to the

wastewater system, provided the work results in reasonable and
prudent capital investments to improve the wastewater system. The
Stipulation also provides that Red Bird may request recovery of up
to \$30,542.61 for legal (transactional and regulatory) expenses
identified in Cox Direct Exhibit 5 and supported by invoices provided
in response to Public Staff Data Request Nos. 6 and 8. Public Staff
Settlement Exhibit 1 provides a breakdown of these costs, including
by invoice. Red Bird agrees not to pursue rate recovery of any
additional costs associated with the acquisition, including due
diligence, transactional, and regulatory costs, other than those listed
above and as further detailed in Public Staff Settlement Exhibit 1.
Pursuant to the Stipulation, Red Bird agrees to adopt at closing
Meadowlands Development, LLC's accounting records; provide the
detailed accounting records received from Meadowlands
Development, LLC, to the Public Staff; and refrain from adjusting or
making changes to those records without Commission approval.
Consistent with the Settlement Agreement and Stipulation in Docket
No. W-1328, Sub 10, Red Bird and key leadership from CSWR, LLC,
will meet with the Public Staff and provide an update detailing all
changes in Red Bird's facilities and operations since the last annual
update and discuss the Company's financial condition.

Pursuant to the Stipulation, Red Bird agrees to post a \$50,000 bond for the Meadowlands wastewater system.

Q. What benefits does the Stipulation provide for ratepayers?

Benefits for ratepayers include Red Bird's agreement not to seek an acquisition adjustment, Red Bird's agreement not to seek additional plant additions made up to and including January 31, 2024, and the agreed-upon limitations on the amount of due diligence and legal costs Red Bird can recover will minimize the magnitude of future rate increases. In addition, the conditions attached to Red Bird's recovery of engineering due diligence costs will help ensure that those costs are related to system improvements that help to maintain or improve service quality and reliability. Annual meetings between Red Bird and the Public Staff will keep the Public Staff apprised of changes to the systems and Red Bird's financial condition and maintain open dialogue between the parties.

Based on the foregoing, we recommend that the Commission approve the Stipulation.

18 Q. Does this conclude your testimony?

19 A. Yes, it does.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

Α.

QUALIFICATIONS AND EXPERIENCE

Charles A. Akpom

I am a 1987 graduate of Southern University and A&M College, Baton Rouge, Louisiana, with an MBA in Accounting. I am a Certified Public Accountant.

I joined the Public Staff in September 2020. I am responsible for: (1) examining and analyzing testimony, exhibits, books and records, and other data presented by utilities and other parties under the jurisdiction of the Commission or involved in Commission proceedings; and (2) preparing and presenting testimony, exhibits, and other documents for presentation to the Commission.

Prior to joining the Public Staff, I was a Controller with BB&T for eleven years, responsible for accounting, finance, human resources, IT, and communications for the organization. Additionally, I worked as an accountant and auditor in corporate accounting and the federal government with increasing responsibility levels in the supervision of accounting and performing audit engagements.

Since joining the Public Staff, I have worked on the Western Carolina University PPAs, DEC and DEP's storm securitization audits, and the 2021 REPS rider proceedings for DEC, DEP, and DENC. Additionally, I have filed testimony in the Clark Utilities rate case in Docket No. W-1205, Sub 14.

QUALIFICATIONS AND EXPERIENCE

Shashi M. Bhatta

I graduated from Michigan State University, earning a Bachelor of Science Degree in Chemical Engineering and a Master of Science degree in Environmental Engineering. I am a licensed Professional Engineer in the State of North Carolina. I am also certified as a B-Well Operator by the North Carolina Water Treatment Facility Operators Certification Board. Prior to joining the Public Staff in April of 2022, I worked for the North Carolina Department of Environmental Quality (DEQ), Public Water Supply Section - Raleigh Regional Office for three and a half years primarily inspecting water systems, and in DEQ's Public Water Supply Section - Central Office for 16 years, primarily reviewing engineering design of water systems' construction. Prior to working for DEQ, I worked for an environmental consulting company, Malcolm Pirnie, Inc., for two and a half years.

My duties with the Public Staff are to monitor the operations of regulated water and wastewater utilities with regard to rates and service. These duties include conducting field investigations, reviewing, evaluating, and recommending changes in the design, construction, and operations of regulated water and wastewater utilities, presenting expert witness testimony in formal hearings, and presenting information, data, and recommendations to the Commission.

QUALIFICATIONS AND EXPERIENCE

John R. Hinton

I received a Bachelor of Science degree in Economics from the University of North Carolina at Wilmington in 1980 and a Master of Economics degree from North Carolina State University in 1983. I joined the Public Staff in May of 1985. I filed testimony on the long-range electrical forecast in Docket No. E-100, Sub 50 which included an independently produced peak demand and energy sales forecast. This forecast and two other peak demand forecasts published in 1989 and 1992 were provided to the NC Utilities Commission and the Governor. I filed testimony on electricity weather normalization in Docket Nos. E-7, Sub 620, E-2, Sub 833, and E-7, Sub 989. I filed testimony on the level of funding for nuclear decommissioning costs in Docket No. E-2, Sub 1023; Docket Nos. E-7, Sub 1026 and E-7, Sub 1146. I have filed testimony on the Integrated Resource Plans (IRPs) filed in Docket No. E-100, Subs 114 and 125, and I have reviewed numerous peak demand and energy sales forecasts and the resource expansion plans filed in electric utilities' annual IRPs and IRP updates.

I have been the lead analyst for the Public Staff in numerous avoided cost proceedings, filing testimony in Docket No. E-100, Subs 106, 136, 140, 148, and Sub 158. I have filed a Statement of Position in the arbitration case involving EPCOR and Progress Energy Carolinas in Docket No. E-2, Sub 966. I have filed testimony in avoided cost related to the cost recovery of energy efficiency programs and

demand side management programs in Dockets Nos. E-7, Sub 1032, E-7, Sub 1130, E-2, Sub 1145, and E-2, Sub 1174.

I have filed testimony on the issuance of certificates of public convenience and necessity (CPCN) in Docket Nos. E-2, Sub 669, SP-132, Sub 0, E-7, Sub 790, E-7, Sub 791, and E-7, Sub 1134.

I filed testimony on the merger of Dominion Energy, Inc. and SCANA Corp. in Docket Nos. E-22, Sub 551, and G-5, Sub 585.

I have filed testimony on the issue of fair rate of return in Docket Nos. E-22, Subs 333 412, and 532; P-26, Sub 93; P-12, Sub 89; G-21, Sub 293; P-31, Sub 125; P-100, Sub 133b; P-100, Sub 133d (1997 and 2002); G-21, Sub 442; G-5, Subs 327, 386; and 632; G-9, Subs 351, 382, 722 and Sub 781, G-39, Sub 47, W-778, Sub 31; W-218, Subs 319, 497, and 526; W-354, Subs 360; 364, 384, and 400 and in several smaller water utility rate cases. I have filed testimony on credit metrics and the risk of a downgrade in Docket No. E-7, Sub 1146.

I have filed testimony on the hedging of natural gas prices in Docket No. E-2, Subs 1001, 1018, 1031, and 1292. I have filed testimony on the expansion of natural gas in Docket No. G-5, Subs 337 and 372. I performed the financial analysis in the two audit reports on Mid-South Water Systems, Inc., Docket No. W-100, Sub 21. I testified in the application to transfer the CPCN from North Topsail Water and Sewer, Inc. to Utilities, Inc., in Docket No. W-1000, Sub 5. I have filed testimony on rainfall normalization with respect to water sales in Docket No. W-274, Sub 160.

I was a member of the Small Systems Working Group that reported to the National Drinking Water Advisory Council with the EPA and I have published an article in the National Regulatory Research Institute's Quarterly Bulletin entitled Evaluating Water Utility Financial Capacity and filed testimony on the financial viability of water and wastewater utilities, including Docket No. W-1328, Subs 0, 3, 8, 10, 13, and 15.

Cox Direc	t Exhibit 5				Settlement		
Vendor	Inv#		Amount	Date	Category		Amount
21 Design Group Inc.	11558	\$	177.50	12/1/2021	Engineering	\$	177.50
21 Design Group Inc.	12010	\$	2,470.42		Engineering	\$	-
21 Design Group Inc.	6018	\$	2,317.50		Engineering	\$	2,317.50
21 Design Group Inc.	6298	\$	2,056.25		Engineering	\$	2,056.25
21 Design Group Inc.	6859	\$	356.25		Engineering	\$	356.25
21 Design Group Inc.	7389	\$	1,491.25		Engineering	\$	1,491.25
21 Design Group Inc.	7718	\$	633.75		Engineering	\$	633.75
21 Design Group Inc. 21 Design Group Inc.	8212 8606	\$	172.50 608.75		Engineering Engineering	\$	172.50 608.75
21 Design Group Inc.	9058	\$	11,025.00		Engineering	\$	- 008.73
21 Design Group Inc.	9307	\$	67.50		Engineering	\$	67.50
21 Design Group Inc.	9730	\$	28.75		Engineering	\$	28.75
21 Design Group Inc.	10206	\$	180.00		Engineering	\$	180.00
21 Design Group Inc.	10679	\$	57.50		Engineering	\$	57.50
21 Design Group Inc.	11149	\$	321.25	12/31/2021	Engineering	\$	321.25
21 Design Group Inc.	12749	\$	301.25	3/1/2022	Engineering	\$	301.25
21 Design Group Inc.	13263	\$	150.00	4/1/2022	Engineering	\$	150.00
21 Design Group Inc.	14094	\$	30.00	6/8/2022	Engineering	\$	30.00
21 Design Group Inc.	14548	\$	150.00	7/11/2022	Engineering	\$	150.00
21 Design Group Inc.	15016	\$	630.00		Engineering	\$	630.00
21 Design Group Inc.	18601	\$	510.00		Engineering	\$	510.00
21 Design Group Inc.	19235	\$	120.00		Engineering	\$	120.00
21 Design Group Inc.	19653	\$	180.00		Engineering	\$	180.00
21 Design Group Inc. 21 Design Group Inc.	20338 20701	\$	60.00		Engineering Engineering	\$	60.00
21 Design Group Inc.	21072	\$	5,320.00		Engineering	\$	5,320.00
21 Design Group Inc.	21452	\$	311.25		Engineering	\$	311.25
21 Design Group Inc.	21841	\$	1,064.50		Engineering	\$	261.25
Beckemeier LeMoine Law	75-034	\$	45.00	12/31/2021		\$	45.00
Beckemeier LeMoine Law	75-020	\$	448.00	12/31/2021		\$	448.00
Beckemeier LeMoine Law	75-021	\$	115.00	12/31/2021	Legal	\$	115.00
Beckemeier LeMoine Law	75-022	\$	1,002.00	12/31/2021	Legal	\$	-
Beckemeier LeMoine Law	75-023	\$	56.00	12/31/2021	Legal	\$	56.00
Beckemeier LeMoine Law	75-024	\$	115.00	12/31/2021	Legal	\$	115.00
Beckemeier LeMoine Law	75-025	\$	56.00	12/31/2021		\$	56.00
Beckemeier LeMoine Law	75-026	\$	145.00	12/31/2021	_	\$	145.00
Beckemeier LeMoine Law	75-027	\$	336.00	12/31/2021	_	\$	336.00
Beckemeier LeMoine Law	75-028	\$	1,305.00	12/31/2021		\$	1,305.00
Beckemeier LeMoine Law	75-029	\$	56.00	12/31/2021		\$	56.00 168.00
Beckemeier LeMoine Law Beckemeier LeMoine Law	75-035 75-036	\$	168.00 1,915.20	2/1/2022 3/1/2022		\$	1,915.20
Beckemeier LeMoine Law	75-037	Ś	979.20	5/1/2022		Ś	979.20
Beckemeier LeMoine Law	75-038	\$	516.80	6/1/2022	_	\$	516.80
Beckemeier LeMoine Law	75-039	\$	2,340.80	6/8/2022		\$	2,340.80
Beckemeier LeMoine Law	75-040	\$	334.40	6/30/2022		\$	334.40
Beckemeier LeMoine Law	75-041	\$	1,702.40	8/8/2022	Legal	\$	1,702.40
Beckemeier LeMoine Law	75-046	\$	60.80	1/4/2023	Legal	\$	60.80
Beckemeier LeMoine Law	75-049	\$	467.50	4/1/2023	Legal	\$	467.50
Beckemeier LeMoine Law	75-054	\$	608.00	7/31/2023		\$	608.00
Beckemeier LeMoine Law	75-055	\$	1,365.00	8/31/2023		\$	-
Beckemeier LeMoine Law	75-056	\$	1,178.50	11/1/2023		\$	1,178.50
Beckemeier LeMoine Law	75-058	\$	1,152.00	11/1/2023		\$	1,152.00
Beckemeier LeMoine Law	75-059	\$	544.00	12/4/2023		\$	544.00
Black, Slaughter & Black, PA	228780	\$	125.00	12/31/2021		\$	-
Black, Slaughter & Black, PA Burns, Day & Presnell, P.A.	231005 69832	\$	937.50 1,303.40	12/31/2021 12/31/2021		\$	
Burns, Day & Presnell, P.A.	70465	\$	637.50	12/31/2021		\$	
Burns, Day & Presnell, P.A.	71248	\$	744.17	12/31/2021		\$	
Burns, Day & Presnell, P.A.	71446	\$	708.33	12/31/2021	_	\$	-
Burns, Day & Presnell, P.A.	73826	\$	743.75	12/31/2022		\$	743.75
Burns, Day & Presnell, P.A.	74872	\$	85.00	7/20/2023	Legal	\$	85.00
Burns, Day & Presnell, P.A.	74992	\$	85.00	8/14/2023		\$	85.00
Burns, Day & Presnell, P.A.	75102	\$	701.25	9/10/2023		\$	701.25
Burns, Day & Presnell, P.A.	75378	\$	106.25	10/17/2023	Legal	\$	106.25
Kimley-Horn and Associates, Inc.	64570010-0920	\$	500.00	12/31/2021	Engineering	\$	-
Kimley-Horn and Associates, Inc.	064570010-0421	\$	6,835.56	12/31/2021	Engineering	\$	6,835.56
Law Firm Carolinas	234715	\$	206.25	12/31/2021	Legal	\$	206.25
Law Firm Carolinas	231005-2	\$	2,219.20	12/31/2021	Legal	\$	2,219.20
Law Firm Carolinas	236167	\$	164.06	12/31/2021	Legal	\$	164.06

Cox Direct Exhibit 5					Settlement		
Vendor	Inv#		Amount	Date Category A			Amount
Law Firm Carolinas	242045	\$	137.50	12/31/2021	Legal	\$	137.50
Law Firm Carolinas	252408	\$	450.00	8/17/2022	Legal	\$	450.00
Law Firm Carolinas	269739NC	\$	727.00	12/1/2023	Legal	\$	390.00
Law Firm Carolinas	271861NC	\$	162.50	12/6/2023	Legal	\$	162.50
The Beckemeier Law Firm LC	75-009	\$	480.00	12/31/2021	Legal	\$	480.00
The Beckemeier Law Firm LC	75-010	\$	585.00	12/31/2021	Legal	\$	585.00
The Beckemeier Law Firm LC	75-012	\$	706.00	12/31/2021	Legal	\$	706.00
The Beckemeier Law Firm LC	75-013	\$	2,275.00	12/31/2021	Legal	\$	2,275.00
The Beckemeier Law Firm LC	75-014	\$	1,547.50	12/31/2021	Legal	\$	1,547.50
The Beckemeier Law Firm LC	75-016	\$	97.00	12/31/2021	Legal	\$	97.00
The Beckemeier Law Firm LC	75-017	\$	250.00	12/31/2021	Legal	\$	250.00
The Beckemeier Law Firm LC	75-018	\$	605.00	12/31/2021	Legal	\$	605.00
The Beckemeier Law Firm LC	75-018	\$	605.00	12/31/2021	Legal	\$	605.00
The Beckemeier Law Firm LC	75-018	\$	(605.00)	12/31/2021	Legal	\$	(605.00)
The Beckemeier Law Firm LC	75-019	\$	1,495.50	12/31/2021	Legal	\$	1,495.50
Windley E. Henry	PS2023-13	\$	1,968.75	10/1/2023	Legal	\$	1,968.75
Windley E. Henry	PS2023-22	\$	437.50	12/4/2023	Legal	\$	437.50

\$ 139,504.24	Total	\$ 114,620.67
\$ 101,801.73	Engineering	\$ 84,078.06
\$ 37,702.51	Legal	\$ 30,542.61