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April 17, 2024

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

Re: Pine Mountain Property Owners Association, Inc.
Docket Nos. W-1316, Subs 0, 1, and 2 and W-1328, Sub 11
Request to Grant Certificate of Public Convenience and Necessity
and Dismiss and Close Complaint Dockets

Dear Ms. Dunston:

On February 9, 2021, the Pine Mountain Property Owners Association, Inc. (Pine Mountain POA or POA) notified the Commission and the parties to Docket Nos. W-1316, Subs 0, 1, and 2 (Complaint Dockets)¹ that (1) the eligible members of the POA had overwhelmingly voted to pursue transfer of the POA's water and sewer utility systems to an entity who will be a Commission-regulated public utility and (2) Central States Water Resources, Inc. ("CSWR") had tendered a water and sewer system asset purchase agreement to the POA for review, that negotiations were ongoing, and that the parties expected to reach an agreement for transfer of the POA's water and sewer utility systems from the POA to CSWR.

On October 13, 2021, the Pine Mountain POA reported to the Commission that the negotiations in question were successful and that Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed an Application with the Commission on September 30, 2021, requesting a Certificate of Public

¹ The three W-1316 Complaint Dockets have been open since early-2021.

Convenience and Necessity (CPCN) to provide water and sewer utility service to the customers now served by the POA in the Pine Mountain development. Red Bird's September 2021 CPCN Application was filed in NCUC Docket No. W-1328, Sub 11 (CPCN Docket).²

On March 4, 2024, Red Bird and the Public Staff (together, the Stipulating Parties) filed a Settlement Agreement and Stipulation (Stipulation) in the CPCN Docket resolving all issues between the Public Staff and Red Bird. In support of the Stipulation, Red Bird filed the Settlement Testimony of witness Josiah Cox and the Public Staff filed the Joint Settlement Testimony and Exhibits of witnesses Meredith L. Strickland, Shashi M. Bhatta, and John R. Hinton.

On April 12, 2024, Red Bird and the Public Staff filed a *Joint Proposed Order Approving Stipulation, Approving Bond, Granting Franchise, Approving Rates, and Requiring Customer Notice* in the CPCN Docket.

The Pine Mountain POA appreciates the actions taken by Red Bird and the Public Staff to bring the CPCN Docket to a successful conclusion and requests that the Commission expeditiously review and adopt the Joint Proposed Order and thereby approve the CPCN Application as soon as reasonably possible to facilitate the transfer of the POA's water and sewer utility systems to Red Bird. This course of action will be in the best interests of the customers currently being served by the POA in that their service, after closing, will then be provided by a well-respected and financed public utility.

² The Pine Mountain POA did not intervene in the Red Bird CPCN Docket and is not a formal party to that proceeding. Nevertheless, the POA has a vital interest in seeing that docket brought to a successful conclusion through approval of Red Bird's CPCN application by the Commission.

In addition, once the Commission enters an Order in the CPCN Docket granting a CPCN to Red Bird and the sale of the POA's water and sewer systems has been closed, the POA requests that the Commission enter an Order in the three W-1316 Complaint Dockets dismissing the subject complaints and closing those dockets.

I hereby certify that the parties to the four subject dockets have been served with a copy of this filing.

As always, thank you and your staff for your assistance; please feel free to contact me if there are any questions or suggestions.

Best regards,

**Attorney for Pine Mountain Property
Owners Association, Inc.**

/s/Robert H. Bennink, Jr.

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c: Parties of Record