

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1297, SUB 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of			
MRT-1, LLC,)	
	Complainant)	
)	
v.)	ORDER ON MOTION FOR
)	SANCTIONS AND GRANTING
)	EXTENSION OF TIME
Harkers Island Sewer Company,)	
	Respondent)	

BY THE PRESIDING COMMISSIONER: This proceeding was instituted by the filing of a complaint with the Commission on May 2, 2019, by Pinnacle Bank, as successor by merger with Bank of North Carolina, against Harkers Island Sewer Company (Respondent). Pursuant to the Commission’s Order of October 22, 2020, MRT-1, LLC (Complainant), was substituted as the party-complainant.

On December 18, 2020, the Commission issued an Order Scheduling Hearing, Establishing Procedural Schedule, and Adopting Discovery Guidelines. That Order required, among other things, that the direct testimony and exhibits of Respondent shall be filed on or before Monday, March 29, 2021 and required that the rebuttal testimony and exhibits of Complainant shall be filed on or before Monday, April 12, 2021. By the same Order, the Commission scheduled this matter for hearing on Tuesday, April 27, 2021.

On March 29, 2020, the day Respondent was required to file its direct testimony and exhibits, Respondent instead filed a motion seeking additional time to make said filings. On March 30, 2021, the Commission granted the motion and issued an order extending the deadline for Respondent to file direct testimony and exhibits until Friday, April 2, 2021, on the express condition that a full and complete copy be provided to MRT’s counsel via email no later than 5:00 pm on Friday, April 2, 2021¹. The Presiding Commissioner also extended the time for Complainant to file rebuttal testimony and exhibits until Friday, April 16, 2021.

¹ Because Friday, April 2, 2021, was a state holiday, it was not possible that the Respondent’s anticipated filings could be available to the Complainant or the public via the Commission’s website, until Monday, April 5, 2021. Therefore, and as explained further in Order, the Commission required Respondent to provide a full and complete copy of its filing to MRT’s counsel via email no later than 5:00 p.m. on Friday, April 2, 2021.

Respondent filed direct testimony and exhibits with the Commission on April 5, 2021.

On April 5, 2021, Complainant filed a Notice and Motion for Sanctions stating that Respondent's testimony and exhibits were not timely received as ordered and requesting sanctions for Respondent's failure to comply with the Commission's March 30 Order. In addition to the request for sanctions, Complainant also included a request for an extension of time to respond to Respondent's late filed testimony equal to that taken by Respondents.

Based on the record and the pending April 27 hearing date, the Presiding Commissioner finds cause to extend the time for Complainant to file rebuttal testimony and exhibits until Tuesday, April 20, 2021. The remaining issues raised in Complainant's Motion for Sanctions are not yet ripe for decision.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 9th day of April, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Kimberley A. Campbell". The signature is written in a cursive style with a large initial 'K'.

Kimberley A. Campbell, Chief Clerk