

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 34

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Pluris Hampstead, LLC)	
for a Certificate of Public Convenience)	
and Necessity to Provide Wastewater)	ORDER SCHEDULING HEARING
Utility Service to Edens Lane Subdivision)	AND ESTABLISHING DISCOVERY
in Pender County, North Carolina and for)	GUIDELINES
Approval of Rates)	

BY THE CHAIR: On March 16, 2021, Pluris Hampstead, LLC (Pluris) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide wastewater utility service to the Edens Lane subdivision in Pender County, North Carolina.

Pluris expects to eventually serve 138 residential wastewater utility customers in the Edens Lane subdivision, a new service area in Pender County, North Carolina. Edens Lane, LLC, is purchasing wastewater utility service from Pluris with a tap fee amount of \$3,200 per connection. Pluris is currently charging and proposes to charge the monthly residential flat rate of \$82.50, which was approved in Docket No. W-1305, Sub 12 on November 13, 2020. The Application states that there are no planned improvements or additions required for the wastewater utility system in the next five years.

On June 30, 2023, pursuant to North Carolina Session Law 2023-67, entitled “An Act to Expedite Transfer of Water or Wastewater Public Utilities” (the Act), the Commission issued an Order Requiring Report of the Public Staff and Initiating Rulemaking Proceeding which, in part, directed the Public Staff to file on or before July 25, 2023, notice of whether each application identified by the Public Staff as subject to the provisions of Section 1.(b) of the Act was complete and identifying deficiencies in any application that was incomplete.

On July 24, 2023, the Public Staff filed a letter stating that it deemed the Application filed in this docket incomplete because the information included in the Application and on file with the Commission was too outdated for the Public Staff to make a recommendation and for the Commission to determine whether the Application should be approved. The Public Staff further stated that it recommended the Commission determine that the Application was incomplete and direct Pluris to file an amended application form and all required exhibits with information current as of no earlier than December 31, 2022.

On July 28, 2023, the Commission issued an Order Finding Application Incomplete which, in part, directed Pluris to file an amended application form and all required exhibits with information current as of no earlier than December 31, 2022.

On March 6, 2024, Pluris filed financial documents in support of its Application.

On March 13, 2024, the Public Staff filed a letter outlining deficiencies in the Application and recommended that the Commission find the Application incomplete.

On March 14, 2024, the Commission issued its Second Order Finding Application Incomplete.

On April 1, 2024, Pluris filed an amended Application, and on April 8, 2024, Pluris filed financial documents in support of its Application to address the deficiencies identified in the Public Staff's March 13, 2024 letter.

On April 19, 2024, the Public Staff filed a letter indicating that this docket now includes all the information required for a complete Application.

On April 22, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data.

On April 24, 2024, the Public Staff provided the information requested by the Commission.

Based upon the foregoing, the Commission hereby establishes the procedural schedule, including filing requirements for Pluris, the Public Staff, and other intervenors.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the Application and Pluris' prefiled direct testimony shall be served on Pluris not later than 5 business days prior to the deadline for filing of the Public Staff and intervenor testimony. The party served shall have up to 10 calendar days to file with the Commission objections to discovery requests on an item-by-item basis.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 business days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis.

5. Formal discovery requests related to Pluris' prefiled rebuttal testimony shall be served on Pluris not later than 3 business days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Chair recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Chair finds good cause to require Pluris and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving expert witness testimony on Pluris' Application is scheduled to begin at 2:00 p.m., on Monday, September 23, 2024, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

2. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

3. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Friday, August 23, 2024;

4. That Pluris' prefiled direct testimony and exhibits shall be filed on or before Friday, August 9, 2024;

5. That the prefiled direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Friday, August 23, 2024;

6. That Pluris' prefiled rebuttal testimony and exhibits, if any, shall be filed on or before Monday, September 9, 2024;

7. That an officer or representative from Pluris is required to appear before the Commission at the time and place of the expert witness hearing to testify concerning any of the information contained in the Application;

8. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

9. That Pluris shall consult with all other parties and file, no later than Wednesday, September 18, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Friday, September 20, 2024, make a filing indicating their points of disagreement with Pluris' filing.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of June, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk