

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application by Red Bird Utility Operating Company, LLC d/b/a Red Bird Water for a Certificate of Public Convenience and Necessity for Pine Mountain Lakes in Burke County, North Carolina, and for Approval of Rates)))))))	ORDER FINDING APPLICATION INCOMPLETE AND REQUEST FOR ADDITIONAL INFORMATION
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BY THE PRESIDING COMMISSIONER: On September 30, 2021, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Applicant) filed with the Commission an Application for Certificate of Public Convenience and Necessity for Pine Mountain Lakes in Burke County, North Carolina, and for Approval of Rates (Application) in Docket No. W-1328, Sub 11, in accordance with N.C. Gen. Stat. § 62-110.

On June 30, 2023, North Carolina Session Law 2023-67, entitled “An Act to Expedite Transfer of Water or Wastewater Public Utilities” (the Act), was signed into law by Governor Roy Cooper, having been previously ratified by the North Carolina General Assembly. The Act provides timelines for the Commission’s consideration of applications for transfers of certificates of public convenience and necessity (CPCN) for certain water and wastewater systems.

Section 1.(b) of the Act applies to applications for the grant or transfer of CPCNs for water and wastewater systems currently pending before the Commission as of June 30, 2023. Among other things, this section requires the Commission to provide notice by July 31, 2023, whether any pending application is complete.

On June 30, 2023, 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, whether each application identified by the Public Staff as subject to the provisions of Section 1.(b) of the Act are complete and identifying any deficiency in any identified application that is not complete.

On July 25, 2023, the Public Staff filed a letter outlining the deficiencies in the Application and recommending that the Commission find the Application incomplete.

Based on the foregoing, and review of the Application and the subsequent filing by the Public Staff, the Presiding Commissioner finds that the Application is incomplete. The Applicant shall file information sufficient to address the deficiencies noted in the Public

Staff's letter of July 25, 2023. No later than 10 business days after the additional information is filed, the Public Staff shall file with the Commission and serve upon the Applicant a notice stating that the Application is considered complete with the additional information, or a notice stating that the Application is incomplete with the deficiencies identified.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 31st day of July, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Tamika D. Conyers". The signature is written in a cursive, flowing style.

Tamika D. Conyers, Deputy Clerk