

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-354, SUB 400

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Carolina Water Service, Inc.)
of North Carolina, 4944 Parkway Plaza)
Boulevard, Suite 375, Charlotte, North)
Carolina 28217, for Authority to Adjust and) ORDER PROVIDING ADDITIONAL
Increase Rates for Water and Sewer Utility) HEARING PROCEDURES
Service in All Its Service Areas in North)
Carolina and for Approval of a Water and)
Sewer Investment Plan)

BY THE PRESIDING COMMISSIONER: On July 1, 2022, Carolina Water Service, Inc. of North Carolina (CWSNC or the Company) filed an application with the Commission seeking authority to adjust and increase its rates for providing water and sewer utility service in all of its North Carolina service areas and for approval to establish and implement a three-year Water and Sewer Investment Plan (WSIP) pursuant to N.C. Gen. Stat. § 62-133.1B and Commission Rule R1-17A.

On September 2, 2022, the Commission issued an Order Scheduling Hearing, Establishing Intervention and Testimony Due Dates and Discovery Guidelines, and Requiring Notice (Scheduling Order) which, among other things, set this matter for expert witness hearing to begin at 2:00 p.m. on Monday, November 28, 2022.

On November 9, 2022, the Commission issued a Notice of Prehearing Conference.

On November 15, 2022, the Prehearing Conference was held as scheduled.

Based on the foregoing and in addition to the requirements set forth in the Scheduling Order, the Presiding Commissioner finds good cause to require that, by Tuesday, November 22, 2022, the parties take the following actions:

1. Review the Commission’s docket, including all filings and submissions of record, and file, with copies served on counsel for all other parties, written notice setting forth any omissions or incompleteness as to any filings, filings made in the incorrect docket, or erroneous designations or omissions of designations of confidentiality. The Commission will consider any matters set forth in such notices at the beginning of the expert witness hearing.

2. File and serve on counsel for all other parties, provide to the Commission via email at ncucexhibits@ncuc.net, and separately provide directly to the court reporter any corrections or additions to the prefiled testimony or exhibits of any witness.

3. File and serve on counsel for all other parties, provide to the Commission via email at ncucexhibits@ncuc.net, and separately provide directly to the court reporter all witness summary statements to be offered pursuant to Commission Rule R1-24(d). Witness summaries shall not be read from the witness stand at the hearing.

4. File and serve on counsel for all other parties, provide to the Commission via email at ncucexhibits@ncuc.net, and separately provide directly to the court reporter (a) any stipulations of fact made pursuant to Commission Rule R1-24(c); and (b) motions in limine, if any, including without limitation motions disputing or questioning the authenticity or genuineness of any prefiled exhibit.

5. File and serve on counsel for all other parties, provide to the Commission via email at ncucexhibits@ncuc.net, and separately provide directly to the court reporter electronic copies of all proposed cross-examination exhibits, labeled with the party name and numbered sequentially on the face of the document (e.g., "Sponsoring Party's Name Witness' Name Proposed Cross Exhibit No. 1," "Sponsoring Party's Name Witness' Name Proposed Cross Exhibit No. 2," etc.). Exhibits shall retain the numbering as premarked, whether used on direct examination, on cross-examination, on redirect examination, or on rebuttal.

In addition to the foregoing, at least one day prior to the commencement of the expert witness hearing the parties shall take the following actions:

6. File and serve on counsel for all other parties, provide to the Commission via email at ncucexhibits@ncuc.net, and separately provide directly to the court reporter (a) additional motions in limine, if any, disputing or questioning the authenticity or genuineness of any cross-examination exhibit premarked by any other party pursuant to the foregoing Paragraph 5; and (b) copies of any additional potential redirect examination exhibits premarked in the same manner as set forth in Paragraph 5 (e.g., "Sponsoring Party's Name Witness' Name Proposed Redirect Exhibit No. 1," etc.).

The Presiding Commission further finds good cause to order that:

7. By the end of the business day following the conclusion of each witness' testimony, each party using cross-examination or redirect exhibits during the day's proceedings shall file

- a. A list of that party's cross-examination and redirect exhibits moved into the record, noted by date and by witness; and

- b. A list of that party's cross-examination and redirect exhibits introduced but not moved into the record.

Without requiring motion by any party, the Presiding Commissioner intends to take judicial notice of any of the following matters: provisions of the North Carolina General Statutes currently in effect; provisions of the North Carolina Administrative Code currently in effect; published decisions of the North Carolina Supreme Court, North Carolina Court of Appeals, or the North Carolina Business Court; published Orders of the Commission; provisions of the United States Code currently in effect; provisions of the Code of Federal Regulations currently in effect; or published decisions of the Supreme Court of the United States or any of the other United States federal courts. It is not necessary for parties to pre-mark such documents as exhibits, but copies of any such documents the parties may wish to use during examination of any witness shall be provided to the Commission in a separate appendix, as well as separately provided to the court reporter, to accompany the parties' cross-examination and redirect exhibits filed pursuant to Paragraphs 5 and 6, above.

Finally, the parties are advised that at the beginning of the expert witness hearing, the Presiding Commissioner intends to accept into the record without need for further motion all prefiled direct, rebuttal, and supplemental testimony, with any corrections as filed, that is not subject to a prehearing motion in limine, and to accept for purposes of identification all pre-marked exhibits as they have been marked and provided pursuant to Paragraphs 5 and 6, above. Witness summaries will be received into the record pursuant to Commission Rule R1-24(d). Prefiled direct testimony will be copied into the transcript immediately after the witness is called to the stand and the oath is administered. Any witness summary shall be copied into the transcript immediately thereafter. The same process will apply to prefiled supplemental direct and rebuttal testimony and witness summaries relative thereto.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of November, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Tamika D. Conyers, Deputy Clerk