



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

February 28, 2024

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket No. W-1333, Sub 5 – Application for Certificate of Public Convenience and Necessity and for Approval of Rates to Provide Water & Sewer Utility Services in Currituck County

Dear Ms. Dunston:

By this letter, the Public Staff is providing an update on the status of the discovery dispute between Currituck Water and Sewer, LLC (CWS or Company), and the Public Staff. On February 22, 2024, the Public Staff filed a Motion to Compel seeking a Commission order requiring CWS to promptly and fully respond to Public Staff Data Request Nos. 5, 6, and 7. CWS has not filed a response to the Motion as allowed by Paragraph 6 of the discovery procedures set forth in the Commission's *Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice* issued on February 14, 2024, or provided full and complete responses to the aforementioned data requests. CWS provided partial responses to Public Staff Data Request Nos. 5 and 6 on February 23, 2024, but those responses are inadequate.

As the Public Staff noted in its Motion to Compel, the window of time for conducting its investigation is narrowing. The number of days the Public Staff was afforded to conduct discovery on CWS's application has shortened by four additional days such that the Public Staff now has 77 days remaining. Based on the foregoing, the Public Staff respectfully requests that the Commission expeditiously issue an order requiring CWS to immediately and fully respond to Public Staff Data Request Nos. 5, 6, and 7 and, given the Commission's inability

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to toll the statutory deadline set forth in N.C. Gen. Stat. § 62-111(f), strongly consider dismissing CWS's application based on its failure to provide information the Public Staff needs to complete its investigation.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Electronically submitted
/s/ Reita Coxtton
Staff Attorney
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