

INFORMATION SHEET

PRESIDING: Commissioner McKissick, Jr. Presiding, Commissioners Duffley and Hughes
PLACE: Henderson County Courthouse, Hendersonville, NC
DATE: Wednesday, November 1, 2023
TIME: 7:00 p.m. to 7:41 p.m.
DOCKET NO.: W-933 Sub 12 and W-1328 Sub 0
COMPANY: Red Bird Utility Operating Company, LLC
and Etowah Sewer Company, Inc.

DESCRIPTION: In the Matter of Joint Application of Red Bird Utility Operating Company, LLC, d/b/a Red Bird Water and Etowah Sewer Company, Inc. for Authority to Transfer of Public Utility Franchise and for Approval of Rates

VOLUME NUMBER: 1

APPEARANCES

See attached

WITNESSES

See attached

EXHIBITS

None attached

REPORTED BY: Kaylene Clayton
TRANSCRIBED BY: Kaylene Clayton
DATE FILED: November 17, 2023

TRANSCRIPT PAGES: 37
PREFILED PAGES 0
TOTAL PAGES 37

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PLACE: Henderson County Courthouse, Hendersonville,
North Carolina
DATE: Wednesday, November 1, 2023
TIME: 7:00 p.m. - 7:41 p.m.
DOCKET: W-933, Sub 12 & W-1328, Sub 0
BEFORE: Commissioner Floyd B. McKissick, Jr.
Commissioner Kimberly W. Duffley
Commissioner Jeffrey A. Hughes

IN THE MATTER OF:

Joint Application by Red Bird Utility Operating
Company, LLC d/b/a Red Bird Water and Etowah Sewer
Company, Inc. for Transfer of Public Utility Franchise
and for Approval of Rates

VOLUME 1

1 A P P E A R A N C E S:

2 FOR THE COMPANY

3 Kiran H. Mehta, Esq.

4 Troutman Pepper Mamilton Sanders, LLP

5 301 S. College Street, Suite 3400

6 Charlotte, North Carolina

7

8 FOR THE USING AND CONSUMING PUBLIC

9 Gina Holt, Esq.

10 Davia Newell, Esq.

11 North Carolina Utilities Commission

12 4326 Mail Service Center

13 Raleigh, North Carolina 27699-4326

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NORTH CAROLINA UTILITIES COMMISSION
APPEARANCE SLIP

DATE: 11/1/2023 DOCKET NO.: W-1328 Sub 0

ATTORNEY NAME and TITLE: KIRAN H MEHTA

FIRM NAME: TROUTMAN ~~HAMILTON~~ PEPPER HAMILTON SANDERS, LLP

ADDRESS: 301 S. COLLEGE ST.

CITY: CHARLOTTE STATE: NC ZIP CODE: 28202

APPEARANCE ON BEHALF OF: RED BIRD

APPLICANT: COMPLAINANT: ___ INTERVENOR: ___

PROTESTANT: ___ RESPONDENT: ___ DEFENDANT: ___

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Yes, I have signed the Confidentiality Agreement.

Email: kiran.mehta@troutman.com

SIGNATURE: [Handwritten Signature]

(Signature Required for distribution of **CONFIDENTIAL** information)

NORTH CAROLINA UTILITIES COMMISSION
PUBLIC STAFF - APPEARANCE SLIP

DATE: November 1, 2023 DOCKET #: W-933, Sub 12
W-1328, Sub 0

PUBLIC STAFF ATTORNEY: Gina Holt & Davia Newell

TO REQUEST A **CONFIDENTIAL** TRANSCRIPT, PLEASE PROVIDE YOUR EMAIL ADDRESS BELOW:

ACCOUNTING: _____
CONSUMER SERVICES: _____
COMMUNICATIONS: _____
ENERGY: _____
ECONOMICS: _____
LEGAL: gina.holt@psncuc.nc.gov davia.newell@psncuc.nc.gov
TRANSPORTATION: _____
WATER: _____

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COUNSEL/MEMBER(s) REQUESTING A **CONFIDENTIAL** TRANSCRIPT WHO HAS SIGNED A CONFIDENTIALITY AGREEMENT WILL NEED TO SIGN BELOW.

/s/Gina Holt
/s/Davia Newell

From: Julie Brandt
Sent: Monday, October 23, 2023 11:59 AM
To: Statements
Subject: Statement of Position Submitted by Julie Brandt

Statement of Position Submitted

Name

Julie Brandt

Email

juliencats@yahoo.com

Docket

w-933, sub 12 and w-1328, sub 0

Message

With regards to Red Bird Utilities d/b/a Red Bird Water taking over Etowah Sewer Company. We would like it to be known that the residents of Etowah have concerns of Red Bird Utilities taking over the current treatment plant of Etowah, due to the future potential of a new package plant with a capacity of 120,000 GPD. To what extent does the acquiring company know about the plans of developing housing and a new WWTP in Etowah? Does Red Bird have an agreement with or even know about the proposed 200 duplex lot development which will require the building of an additional package plant that Red Bird will then be required to maintain and oversee? Know that the Etowah residents are opposed to a newly proposed package plant that is very close to habitation and on our main street through town. The location presents itself with a number of issues. (1) prevailing wind into our homes and outdoor eating restaurants. (2) the proposed influent pump is directly in the flood plain which could potentially become an environmental hazard. (3) the package plant leaves a huge footprint. 5,500 square feet one story. It is unreasonable and unfathomable to place a huge package plant on main street in town. (4) The residents of Etowah already have a concern of odors from the existing sewage plant as well as there will be odors from the new one. There are no WWTP's that do not give off odor at some time or other. Besides the noted improvements Red Bird anticipates repairing of the existing plant, what steps will be taken to correct the I & I? History has shown numerous times the current plant exceeds 80-90% capacity. One of the improvements besides the influent/grinder pump and a vertical screen transfer is the replacement of the disinfection system. Currently it is tablets of chlorine. What is the proposed change?

From: Ward Seguin
Sent: Thursday, October 26, 2023 2:53 PM
To: Statements
Subject: Statement of Position Submitted by Ward Seguin

Statement of Position Submitted

Name

Ward Seguin

Email

wrsmd1@yahoo.com

Docket

W-933,SUB12 W-1328,SUB0

Message

The Etowah Valley Preservation Society, which represents the citizens of Etowah, North Carolina, plan to attend the scheduled meeting of North Carolina Utilities Rate Commission on November 1 at 7 PM, in Hendersonville. We will present our position and make recommendations on both the sale of the Etowah Sewer System and proposed sewer system rates. We have received some disturbing information about the proposed buyer, Red Bird Inc., and their ability to serve their existing customers. We urge in the strongest way possible that the performance of this company be investigated before this sale is allowed to proceed. We will also argue the proposed increase in sewer system rates for Etowah residents of in excess of 300% within the next three years will be burden the residents.

[View this email in your browser](#)

Seguin
Exhibit 2



SEWAGE TREATMENT PLANT ISSUES

PLEASE READ

UPDATE as of May 3, 2023

Good Morning;

Recently, Riverwind Homeowners were provided a copy of the Do's & Don'ts for the Sewage Treatment Plant (STP). In other words, it lists items that can and can't go down your home drains.

For newer homeowners, the Riverwind Homeowner's Association that governs our community does not own the Sewage Treatment Plant (STP). We pay a contractor to perform maintenance at the STP, and to transfer sewage out of the STP. The HOA Monthly Fee includes the cost for this for each home.

If the STP contractor's technicians have to continue spending a lot of time on maintenance, our rates could be increased in the future. This could have an impact on the Monthly Maintenance Fee each home would pay. It could go up if people don't follow the Do's and Don'ts on the sheet provided.

Recently, the STP contractor has been having to do more maintenance than normal due to the following issues:

ISSUE #1

The STP technician reported that someone poured chemicals down the drain that they should not have. This affected the chemical balance in the STP resulting in the strong odor that people were smelling. It took weeks of treatments to get the chemical composition back to where it needed to be. Now that the chemical composition is back in balance, there is no odor. There was a lot of additional STP technician time needed to fix this issue.

ISSUE #2

There has been an issue with someone putting green plastic dog poop bags down a drain in their home. These bags are getting caught in the STP filters and clogging them up, so maintenance is needed. Riverwind could be fined if these plastic bags cause permanent damage. To whomever is putting these plastic bags down your home drain, please stop doing this.

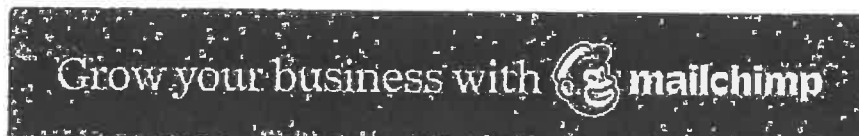
Thank you to everyone that has read the Do's and Don't Sheet and placed it in their Riverwind Black Binder for reference. Thank you to all that are careful with what they put down in their Riverwind home drains.

A rule of thumb is, if you are not sure if you can put it down the drain, you should not put it down the drain.

Special Thanks to Chris Taylor, RHOA Board Member, for the information
Respectfully Submitted by Riverwind Secretary ~~_____~~.

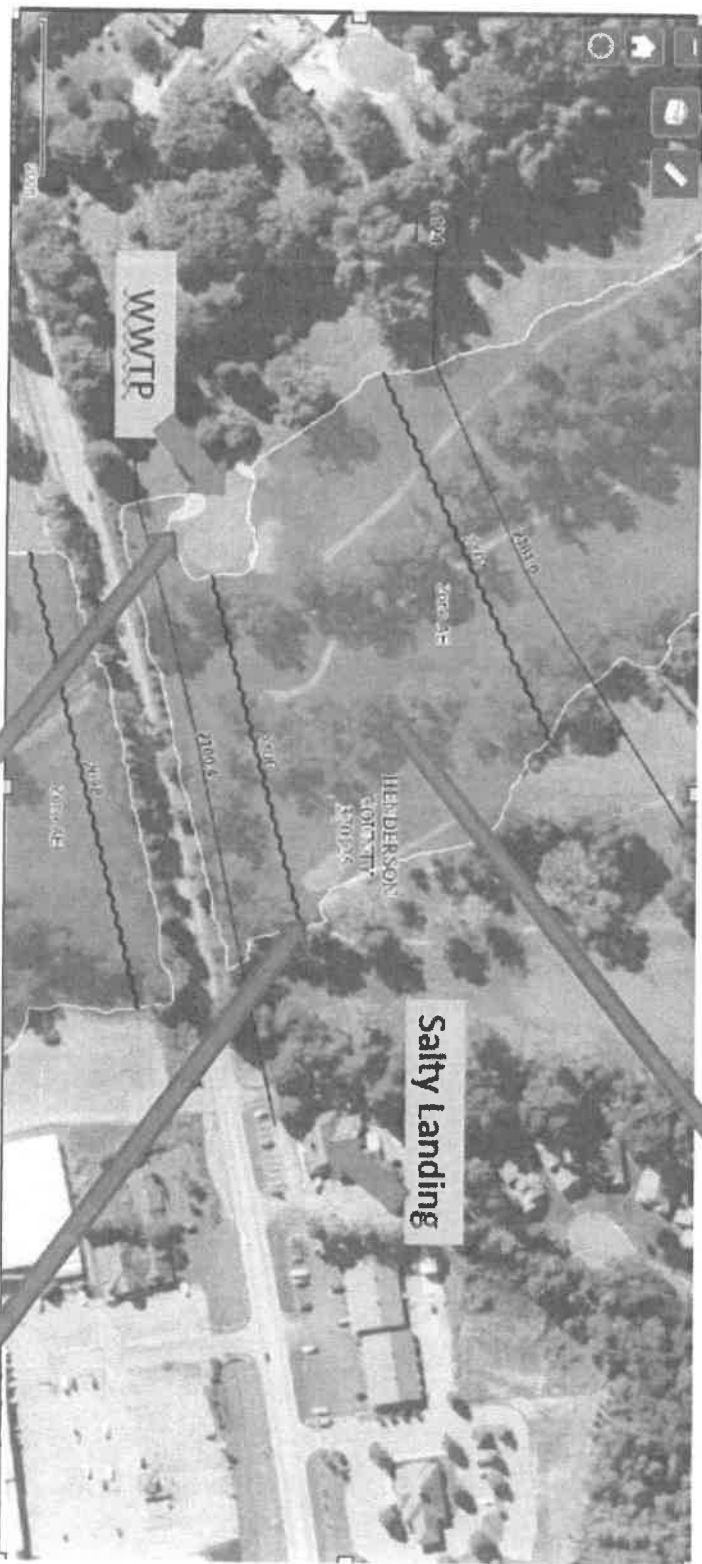
Our mailing address is:
30 Riverwind Drive, Hendersonville NC 28739

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Sequin Exhibit B

Location



Flood Plain

Salty Landing

WWTP

Sewage plant

Location of rest room building where golfers climbed to roof during flood in 2004.

O'Connor
Exhibit 1

From: David O'Connor
Sent: Monday, October 23, 2023 7:47 PM
To: Statements
Subject: Statement of Position Submitted by David O'Connor

OFFICIAL COPY
OFFICIAL COPY

Statement of Position Submitted

Name

David O'Connor

Email

doconnor1945@gmail.com

Docket

w-933, syb 12 and w-1328, sub 0

Message

As Etowah Sewer Company customers, we are grateful that a company like Red Bird is willing to take over the existing operations, which are currently at or over capacity, and make the improvements necessary to bring them into compliance with the regulations that protect our environment. However, we are concerned that in the documentation we read about the specific improvements, we could not see any estimate of the customer capacity that Red Bird expects to be able to serve as a result of the improvements. The company has fewer than 500 customers now. To spend almost half a million dollars for 500 families, even if it is spread out over several years, will cause a significant rate increase beyond the means of many. Please do the math: \$500K divided by 500 customers is a capital cost of \$1K per customer. Furthermore, it is clear from the Henderson County Comprehensive Plan that Etowah will be expected to grow in both size and density. (The County Planning Board's recent approval of a Master Plan that would add up to 400 households to Etowah, with a likely 800 to eventually follow, confirms that they expect to implement the Comprehensive Plan, even though doing so at this moment would require a large Waste Water Treatment Plant on the main road through town.) It would benefit Etowah and the County if current sewer capacity could be increased and improved to handle triple or even quadruple the number of households that it serves now. Such growth would go a long way to covering the investment that Red Bird expects to make, and could eliminate the need for yet another isolated and unwelcome Waste Water Treatment Plant established right on the main street of our locale. If Red Bird's plan depends on use of Tribute's "Etowah Residential" waste water treatment plant to expand the capacity of the system to support Etowah's growth, I would ask Red Bird and Mr. Cox to revisit this approach. In addition to significantly raising rates to fix the current system, this would introduce yet another "plug and play" WWTP into the French Broad River. This and the others in place are potential failure points for an already environmentally-challenged ecosystem. I'd ask that Mr. Cox go back to the drawing board and figure out how he can support Etowah's growth with the existing system and eliminate the need for Tribute's WWTP, which, from resident survey data, is an unwelcome and potentially hazardous intrusion on our neighborhood. Thank you for the opportunity to contribute to the public comment. Sincerely, David O'Connor

Oct 24 2023
Nov 17 2023

From: Ray Crombe
Sent: Monday, October 23, 2023 9:17 PM
To: Statements
Subject: Statement of Position Submitted by Ray Crombe

Statement of Position Submitted

Name

Ray Crombe

Email

rayc31@gmail.com

Docket

W-933 SUB12 & W-1328 SUB 0

Message

I am interested and concerned about the sale of the Etowah Sewage facility. Although this treatment plant is in dire need of repair and an upgrade, I am concerned that it will be owned and operated by an out of state company. Is this facility prepared to accept an off-site package waste treatment plant to be built by Tribute Investment for a highly contested residential subdivision? The community is strongly against this proposed "expansion". A nonprofit corporation was formed with input and donations from well over 400 residents that have shown up at meetings to let the County Government that we oppose this for several reasons, a main one being it is adjacent to the main road through town, directly in a business and residential area. The other reasons for a treatment plant not to be inside the town are obvious. Concerns about this sale to Red Bird include: Does Red Bird even want to have this costly "expansion" part of its responsibility? Who will maintain this? A local group of people that are available to respond to problems? The rate hike that will be coming will have to include daily care, upkeep, maintenance and repair of this off-site and poorly located expansion plant? What do you expect the rate hike to be? Double of what it is? Or even more?