

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1259, SUB 5
DOCKET NO. W-1328, SUB 6

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Meadowlands)	
Development, LLC and Red Bird)	
Utility Operating Company, LLC, d/b/a)	ORDER CANCELING PUBLIC
Red Bird Water for Transfer of Public)	WITNESS HEARING
Utility Franchise in Meadowlands)	
Subdivision in Davidson County, North)	
Carolina, and for Approval of Rates)	

BY THE PRESIDING COMMISSIONER: On October 9, 2020, as amended October 21, 2020, Meadowlands Development, LLC (Meadowlands) and Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed with the Commission a joint Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility systems and public utility franchise serving Meadowlands subdivision in Davidson County, North Carolina, from Meadowlands to Red Bird, and approval of rates. Meadowlands currently serves 558 residential flat-rate sewer customers.

On January 5, 2021, the Public Staff filed a deficiency letter outlining information that was needed to complete the Application. On July 12, 2021; August 2, 2021; and December 7, 2022, Red Bird filed additional information to address the issues identified in the Public Staff's January 5, 2021, letter.

On June 15, 2023, Red Bird filed a letter with the Commission indicating that it considered the Application complete.

On July 25, 2023, the Public Staff filed a second deficiency letter outlining additional, updated information that was needed to complete the Application and recommended that the Commission determine that the Application is incomplete. On July 28, 2023, the Commission issued an Order Determining Application Incomplete.

Pursuant to the Commission's order, on August 7, 2023, Red Bird filed additional information to address the issues identified in the Public Staff's July 25, 2023, letter. On August 14, 2023, the Public Staff filed a third deficiency letter stating that it reviewed the additional information provided by Red Bird on August 7, 2023, and that the Application remains incomplete. The Public Staff's letter outlined the information needed to complete

the Application and recommended that the Commission determine that the Application is incomplete.

On August 17, 2023, Red Bird filed additional information to address the issues identified in the Public Staff's August 14, 2023, letter. On August 23, 2023, the Public Staff filed a fourth deficiency letter outlining information still needed to complete the Application and recommended that the Commission determine that the Application is incomplete. On September 13, 2023, the Commission issued a Second Order Determining Application Incomplete.

On December 15, 2023, Red Bird filed additional information to address the deficiencies outlined in the Public Staff's August 23, 2023, letter. On December 29, 2023, the Public Staff filed a letter with the Commission indicating that this docket now includes all the information required for a complete Application.

On January 2, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On January 9, 2024, the Public Staff provided information requested in the Commission's January 2, 2024, Order.

On January 22, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) which, among other things, scheduled a public witness hearing on the Application for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse, 110 West Center Street, Courtroom 6, Lexington, North Carolina. The public witness hearing was scheduled for the sole purpose of receiving testimony from Meadowlands' customers. The Scheduling Order and the subsequent Notice to Customers provided that the public witness hearing may be cancelled by the Commission "if no significant protests are received on or before Friday, February 16, 2024."

On February 7, 2024, Red Bird filed the Certificate of Service reflecting Red Bird's service of the Notice to Customers.

On February 19, 2024, the Public Staff filed a motion requesting that the public witness hearing scheduled for Monday, February 26, 2024, be canceled. In support of its motion, the Public Staff states that two consumer statements have been filed in connection with this matter. The statements identified concerns about the amount of time allowed for customer input, the recovery of certain costs, and potential future rates. Neither the Public Staff nor Red Bird is aware of any additional customer protests or comments made in connection with this proceeding.

The Public Staff represents that it has reviewed the filed consumer statements of position and believes neither the quantity nor content of the filed consumer statements of position constitute the "significant protests" necessary to avoid the cancellation provision set forth in the Scheduling Order. Regarding the issues set forth in the consumer statements of position, the Public Staff states that they are well explained and can be

considered on the merits by the Commission. The Public Staff also represents in its motion that Red Bird does not object to canceling the public witness hearing.

Based on the foregoing, and the entire record, the Presiding Commissioner finds good cause to cancel the public witness hearing scheduled for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 20th day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Tamika D. Conyers". The ink is dark and the signature is fluid.

Tamika D. Conyers, Deputy Clerk