

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 0
DOCKET NO. W-1130, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of | | |
| Application by Currituck Water and |) | |
| Sewer, LLC, 4700 Homewood Court, |) | |
| Suite 108, Raleigh, North Carolina |) | |
| 27609, and Sandler Utilities at Mill Run, |) | |
| LLC, 448 Viking Drive, Suite 220, |) | PUBLIC STAFF'S MOTION |
| Virginia Beach, Virginia 23452, for |) | TO DELAY EVIDENTIARY |
| Authority to Transfer the Sandler |) | HEARING |
| Utilities at Mill Run Wastewater System |) | |
| and Public Utility Franchise in Currituck |) | |
| County, North Carolina, and for |) | |
| Approval of Rates |) | |

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the Commission to delay the evidentiary hearing scheduled in its November 18, 2021, Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Public Notice (Scheduling Order) to and until 10:00 a.m. Tuesday, April 12, 2022, to allow the Public Staff , Currituck Water and Sewer, LLC (Currituck), and Sandler Utilities at Mill Run, LLC (Sandler) (Currituck and Sandler are collectively referred to as the “Companies”) to complete discovery and adequately prepare for the evidentiary hearing in this proceeding. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On May 19, 2021, Currituck and Sandler filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates,

seeking authority to transfer the wastewater utility system and public utility franchise serving Eagle Creek Subdivision, Eagle Creek Golf Club and Grill, and Moyock Middle School in Currituck County, North Carolina, from Sandler to Currituck and approval of rates.

2. Pursuant to the Scheduling Order, the Commission scheduled a hearing for the purpose of receiving expert witness testimony and evidence beginning at 10:00 a.m. on Tuesday, April 5, 2022, and continuing as necessary until conclusion. The Scheduling Order also established hearing dates, discovery guidelines, customer notice requirements, and addressed other procedural matters.

3. With respect to discovery guidelines, the Scheduling Order included the following two paragraphs, among others:

4. Formal discovery requests of the Public Staff or other intervenors shall be served by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party, no later than five calendar days after the filing of that party's testimony. The party served shall have up to three business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than nine calendar days after the filing of that party's testimony.

6. Discovery requests need not be filed with the Commission when served; however, objections shall be filed with the Commission and the objecting party shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed, shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission.

Upon the filing of objections, the party seeking discovery

shall have two business days to file with the Commission a motion to compel, and the party objecting to discovery shall have one business day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party, at or before the time of filing with the Commission.

Scheduling Order, at p. 4.

4. On March 2, 2022, the Public Staff filed the testimony and exhibits of Mike Franklin, Iris Morgan, Phat H. Tran, and the joint testimony of David May and Robert Tankard. Witnesses Franklin, Morgan, and Tran are employees of the Public Staff. Witnesses May and Tankard are employees of the North Carolina Department of Environmental Quality (DEQ), working in the Water Quality Regional Operations Section at DEQ's Regional Office in Washington, North Carolina.

5. On March 7, 2022, Currituck served the Public Staff with discovery.

6. On March 10, 2022, the Public Staff filed a motion requesting an extension of time to March 15, 2022, in which to file objections to discovery.

7. On March 11, 2022, the Commission issued an Order extending the deadline for the Public Staff to file objections to discovery to March 15, 2022, and preserving the remaining procedural dates and deadlines as required by the Scheduling Order.

8. On March 15, 2022, the Public Staff filed objections to numerous of the data requests served on it by Currituck.

9. On March 18, 2022, Currituck filed a Motion to Compel the Public Staff to answer the data requests objected to by the Public Staff. Currituck also requested in its motion that the Commission extend the time for filing rebuttal testimony from March 22nd to March 31, 2022.

10. On March 21, 2022, the Public Staff filed with the Commission a response to Currituck's Motion to Compel requesting that Currituck's motion be denied.

11. On March 22, 2022, the Commission issued an Order Granting in Part and Denying in Part Motion to Compel Answers to Data Requests and Granting Extension of Time to File Rebuttal Testimony (March 22 Order), which required the Public Staff witnesses and DEQ witnesses to provide answers to Currituck's data request by March 25, 2022, and extended the time for the Companies' filing rebuttal to March 31, 2022.

12. Considering the Commission's March 22 Order, and other procedural guidelines on discovery prescribed by the Commission's Scheduling Order, the Public Staff's data requests on the Companies' rebuttal would be due on April 2, 2022, and the Companies' responses to the Public Staff's data requests on rebuttal would be due on April 4, 2022, which is only one day before the evidentiary hearing is presently scheduled to begin.

13. The shortened timeframe within which the Companies provide responses to discovery and the Public Staff has to review the responses to

discovery will put the Public Staff at a significant disadvantage in preparing for the evidentiary hearing.

14. Based on the foregoing, the Public Staff, therefore, respectfully requests that the Commission delay the evidentiary hearing scheduled for April 5, 2022, to and until Tuesday, April 12, 2022, at 10:00 a.m.

15. The Public Staff has consulted with counsel for Currituck and Sandler, and they do not object to this motion.

WHEREFORE, for the reasons set forth above, the Public Staff respectfully requests that the Commission grant its motion to delay the evidentiary hearing in this proceeding and grant any further relief as the Commission deems just and necessary.

Respectfully submitted this 24th day of March, 2022.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

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Electronically submitted
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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Motion upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 24th day of March, 2022.

Electronically submitted
/s/ Gina C. Holt