

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1049, SUB 25
DOCKET NO. W-1328, SUB 2

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

| | | |
|--|---|------------------------|
| In the Matter of |) | |
| Application of A&D Water Services, |) | |
| Inc. and Red Bird Utility Operating |) | ORDER CANCELING PUBLIC |
| Company, LLC, d/b/a Red Bird Water |) | WITNESS HEARING |
| for Transfer of Public Utility Franchise |) | |
| and for Approval of Rates |) | |

BY THE PRESIDING COMMISSIONER: On October 9, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), and A&D Water Service, Inc. (A&D), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and/or wastewater utility systems and public utility franchise serving the Buffalo Meadows, Camelot, Cinnamon Woods, High Vista, Hunters Glen, Kirk Glen, Mountain Valley, Rolling Oaks Estates, Sherwood Forest, Skyview Park, and White Oak Village subdivisions, in Ashe, Henderson, Buncombe, Transylvania and Gaston Counties, North Carolina from A&D to Red Bird and approval of rates.

On January 23, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) that, among other things, scheduled a public witness hearing to be held on Thursday, February 29, 2024 at 7:00 p.m. in the Henderson County Courthouse. The Scheduling Order states that the public witness hearing is subject to cancellation if no significant protests are received from customers on or before Monday, February 19, 2024.

On January 31, 2024, Red Bird filed the Proposed Notice to Customers and the Commission issued an Order Approving Customer Notice on February 5, 2024.

On February 21, 2024, the Public Staff filed a Motion to Cancel Public Witness Hearing requesting that the public witness hearing scheduled for Thursday, February 29, 2024, be canceled. In support of its motion, the Public Staff states that three consumer statements have been filed in connection with this matter. The statements identified concerns about potential future rate increases and the degree to which the potential further rate increases would impact current customers. 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.

In the current proceeding, Red Bird has requested to adopt the present rates currently being charged to A&D customers. Red Bird has not requested an increase in water and/or wastewater rates at this time. However, if the proposed acquisition is approved, then in a subsequent rate case, new rates would be proposed at that time and an opportunity would be provided for public comment at that time on issues regarding a future rate increase.

Based on the foregoing, and the entire record, the Presiding Commissioner finds good cause to grant the Public Staff's motion and cancel the public witness hearing scheduled for Thursday, February 29, 2024, at 7:00 p.m. in the Henderson County Courthouse.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Tamika D. Conyers".

Tamika D. Conyers, Deputy Clerk