

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 5

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Currituck Water and Sewer,)
LLC for a Certificate of Public Convenience) ORDER SCHEDULING
and Necessity to Provide Water and Sewer) HEARINGS, ESTABLISHING
Utility Service to Carolina Village Subdivision) DISCOVERY GUIDELINES, AND
in Currituck County, North Carolina and for) REQUIRING CUSTOMER NOTICE
Approval of Rates)

BY THE COMMISSION: On August 16, 2023, Currituck Water and Sewer, LLC (Currituck) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and sewer utility service to the Carolina Village Subdivision in Currituck County, North Carolina in accordance with N.C. Gen. Stat. § 62-110.

Currituck proposes to serve 124 residential water and sewer customers in the Carolina Village Subdivision. Residents in the Carolina Village Subdivision are not currently being charged for water or sewer service. The system is not regulated by the Commission, and as a result there are currently no Commission approved rates for this service area. Currituck proposes to charge the following rates:

Flat Rate Residential Service

Water	\$31.40 per REU/\$20.94 per mobile home
Sewer	\$52.60 per REU/\$35.08 per mobile home

Monthly Metered Water Service

Base charge, zero usage:	\$31.40 per REU/\$20.94 per mobile home
Usage charge per 1,000 gallons	\$6.90

Monthly Metered Sewer Service

Base charge:	\$52.60 per REU/\$35.08 per mobile home
Usage charge:	None

The major planned capital improvements for the water system during the five-year period immediately following issuance of the requested certificate of public convenience and necessity (CPCN) include removal of the existing well house and construction of a new well house; installation of Supervisory Control and Data Acquisition system hardware and software integration; meter installation and software integration; and water main removal and replacement. The estimated total for these planned capital improvements is

\$278,470. The major planned capital improvements for the sewer system during the five-year period immediately following issuance of a CPCN include refurbishment and modification of the wastewater treatment plant; collection system main replacements; and lift station refurbishment. The estimated total for the planned capital improvements to the wastewater system for the first five years is \$926,961.

On September 8, 2023, the Public Staff filed a letter outlining deficiencies in the Application and indicated that the Public Staff considered the Application incomplete. On September 20, 2024, Currituck filed an amended Application in response to the Public Staff's deficiency letter.

On October 5, 2023, the Public Staff filed a letter outlining further deficiencies in the Application and indicated that the Public Staff continued to consider the Application incomplete. On October 6, 2023, the Commission issued an Order Finding Application Incomplete and Request for Additional Information. On November 14, 2023, Currituck filed a second amended Application and confidential exhibit in response to the Public Staff's letter.

On December 1, 2023, the Public Staff filed a letter indicating that Currituck did not serve the Public Staff with its November 14, 2023 filing. On December 5, 2023, the Commission issued a Second Order Finding Application Incomplete and Request for Additional Information, which required Currituck to serve upon the Public Staff the amended Application and confidential exhibit filed in this docket on November 14, 2023. On December 14, 2023, Currituck filed a letter certifying that a copy of the amended Application was served on the Public Staff on December 5, 2023, and certifying that the confidential portion of the amended Application was served upon the Public Staff.

On December 15, 2023, the Public Staff filed a letter indicating that this docket now includes all information required for a complete application. On December 20, 2023, 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 the information requested by the Commission.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of Currituck, the Public Staff, and other parties, and requires that Currituck provide public notice to all affected customers of the Application, including the applied for rates and the scheduled hearings.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the

appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the Application and Currituck's prefiled direct testimony shall be served on Currituck not later than 14 calendar days prior to the deadline for filing of the Public Staff and intervenor testimony. The party served shall have up to 3 business days to file with the Commission objections to discovery requests on an item-by-item basis.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 calendar days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis.

5. Formal discovery requests related to Currituck's prefiled rebuttal testimony shall be served on Currituck not later than 3 business days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections 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 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the

parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Commission finds good cause to require [Company] and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving public witness testimony on Currituck's Application shall be, and is hereby, scheduled to begin at 7:00 p.m. on Monday, May 20, 2024, in the Currituck County Courthouse, 2801 Caratoke Highway, Courtroom A, Currituck, North Carolina 27929. *That the Commission may cancel the public witness hearing if no significant protests are received on or before Monday, May 13, 2024;*

2. That the public witness hearing will be conducted solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearing pursuant to Commission Rule R1-21(g)(5);

3. That Currituck is required to file a verified report addressing all customer service and service quality complaints expressed during the customer hearing held on Monday, May 20, 2024, within 15 days of the conclusion of the customer hearing. The Public Staff shall, and other intervenors may, file a verified response and any comments to Currituck's report on or before Tuesday, June 18, 2024;

4. That a hearing for the purpose of receiving expert witness testimony on Currituck's Application is scheduled to begin at 2:00 p.m. on Monday, July 8, 2024, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

6. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Wednesday, May 29, 2024;

7. That Currituck's prefiled direct testimony and exhibits shall be filed on or before Thursday, May 9, 2024;

8. That the Public Staff and other intervenors prefiled direct testimony and exhibits shall be filed on or before Wednesday, May 29, 2024;

9. That Currituck's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before Tuesday, June 18, 2024;

10. That an officer or representative from Currituck is required to appear before the Commission at the time and place of the expert witness hearings to testify concerning any of the information contained in the Application;

11. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

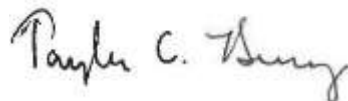
12. That Currituck shall consult with all other parties and file, no later than Wednesday July 3, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Friday, July 5, 2024, make a filing indicating their points of disagreement with Currituck's filing; and

13. That Currituck shall consult with the Public Staff to develop a Notice to Customers to be delivered to all affected customers and shall file the proposed Notice to Customers for approval by the Commission no later than five business days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Taylor C. Berry".

Taylor C. Berry, Deputy Clerk