

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1125, SUB 9  
DOCKET NO. W-1125, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Greater Kinnakeet Shores Home Owners, Inc.	)	
c/o Pat Weston, P. O. Box 853, Avon, North	)	
Carolina 27915,	)	
Complainant	)	ORDER DENYING MOTION
	)	TO RESCHEDULE HEARING
v.	)	
	)	
Outer Banks/Kinnakeet Associates, LLC.,	)	
Defendant	)	

BY THE CHAIR: On July 6, 2022, Outer Banks/Kinnakeet Associates, LLC (OBKA), filed a motion for a seven-day extension of time, to and including July 14, 2022, in which to file responsive pleadings to the allegations in paragraphs 8, 9, 10, 13, 15, and 18 of the complaint, and a 49-day extension of time, to and including September 9, 2022, in which to appear and present testimony at the show cause and expert witness hearing currently set for July 22, 2022. In support of its motion, OBKA states that evaluating the case, and preparing evidence and expert testimony that will be of use to the Commission on the status quo as well as realistic prospects, will require a thorough evaluation of these records and perhaps more significantly, a thorough understanding of the intricate interrelated rules and regulations implicated in this matter. In addition to the complexity of the matter at hand, counsel for OBKA also represents clients involved in other matters pending before the Commission which have major filings due in July, near or at the same time as the current schedule in this matter, and is also currently involved in a matter in the State of Virginia that conflicts with the current schedule.

By order issued July 7, 2022, the Commission granted an extension of time until July 12, 2022, for OBKA to respond to the specified paragraphs in the complaint.

On July 7, 2022, Greater Kinnakeet Shores Home Owners, Inc. (HOA), filed a response to OBKA's motion. HOA requests that the Commission deny OBKA's recent motions to further delay proceedings in the docket, noting that the moratorium imposed by the North Carolina Department of Environmental Quality has been in effect since October 13, 2021, and that the complaint has been pending since filed on December 13, 2021. While sympathetic, HOA states that the dilemma is one of OBKA's own making, adding "OBKA has had ample time to find replacement counsel before now. OBKA's

failure to do so is just additional evidence of its dilatory responses in this docket and the manner in which it is operating the Kinnakeet Shores wastewater system.”

After careful consideration, the Chair finds good cause to deny the motion to delay the hearing. The Chair understands the pressing demands on counsel, but notes that this hearing was scheduled prior to counsel entering his appearance. OBKA cannot demand that the Commission and other parties accommodate its new counsel’s conflicts that should have been anticipated before counsel was engaged. Therefore, as provided in the June 28, 2022 Order to Show Cause, Consolidate Dockets, Schedule Expert Witness Hearing, Grant Withdrawal of Counsel, and Require Public Staff Participation, OBKA shall appear before the Commission on Friday, July 22, 2022, at 10:00 a.m. in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, and show cause why the Commission should not exercise its authority under N.C.G.S. § 62-116(b) to appoint an emergency operator to furnish sewer utility service to the Kinnakeet Shores subdivision. An expert witness hearing on these consolidated dockets will be held in conjunction with the show cause hearing without the parties being required to prefile written testimony.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of July, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, reading "Erica N. Green". The signature is written in a cursive, flowing style.

Erica N. Green, Deputy Clerk