

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-938, SUB 6
DOCKET NO. W-1328, SUB 8

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Red Bird Utility Operating) MOTION TO CANCEL
Company, LLC, and Baytree Waterfront) PUBLIC WITNESS
Properties Inc. for Transfer of Public Utility) HEARING
Franchise 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 moves the North Carolina Utilities Commission (Commission) to issue an order canceling the October 18, 2023 public witness hearing. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On October 9, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), and Baytree Waterfront Properties, Inc. (Baytree) filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility system and public utility franchise serving Windemere Pointe Subdivision in Montgomery County, North Carolina, from Baytree to Red Bird and approval of rates. Red Bird filed an amendment to the Application on October 21, 2020. Baytree currently serves 26 residential customers in the Windemere Pointe Subdivision.

2. On September 13, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) setting this matter for public witness hearing on October 18, 2023. The Notice to Customers states that "...the Commission may cancel the public witness hearing if no significant protests are received on or before Wednesday, October 11, 2023."

3. The Scheduling Order directed Red Bird to provide the Notice to Customers no later than 10 days after the date of the Scheduling Order and submit a signed and notarized certificate of service not later than 20 days after the date of the Scheduling Order. On September 29, 2023, Red Bird filed a Certificate of Service stating the Notice to Customers was mailed or hand delivered as specified in the Scheduling Order.

4. Review of the Commission's online docket portal indicates that no customers have filed consumer statements in these dockets. Moreover, the Public Staff has not received any consumer statements.

5. The Public Staff has contacted all parties in this docket. The Public Staff is authorized to represent that Red Bird supports this motion. Baytree, however, did not respond.

WHEREFORE, the Public Staff respectfully requests:

1. That the Commission cancel the public witness hearing scheduled for October 18, 2023; and

2. For such other and further relief as the Commission may deem just and proper.

Respectfully submitted, this the 12th day of October, 2023.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/ James Bernier, Jr.
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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing Motion upon each of the parties of record in this proceeding or the attorney of record of such party in accordance with Commission Rule R1-39, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 12th day of October, 2023.

Electronically submitted
/s/ James Bernier, Jr.