

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1320, SUB 0  
DOCKET NO. W-1300, SUB 55  
DOCKET NO. W-1320, SUB 2  
DOCKET NO. W-661, SUB 9

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1320, SUB 0 )  
DOCKET NO. W-1300, SUB 55 )

In the Matter of )  
Application by ONSWC - Chatham North, )  
LLC, 4700 Homewood Court, Suite 108, )  
Raleigh, North Carolina 27609, and Old North )  
State Water Company, LLC, 4700 Homewood )  
Court, Suite 108, Raleigh, North Carolina )  
27609, for Authority to Transfer the Briar )  
Chapel Subdivision Wastewater System and )  
Franchise in Chatham County, North Carolina, )  
and Approval of Rates )

ORDER GRANTING  
PETITION TO INTERVENE

DOCKET NO. W-1320, SUB 2 )  
DOCKET NO. W-661, SUB 9 )

In the Matter of )  
Application by ONSWC - Chatham North, )  
LLC, 4700 Homewood Court, Suite 108, )  
Raleigh, North Carolina 27609, and Fitch )  
Creations, Inc., d/b/a Fearington Utilities, )  
2000 Fearington Village Center, Pittsboro, )  
North Carolina 27312, for Authority to Transfer )  
the Fearington Village Wastewater System )  
and Franchise in Chatham County, North )  
Carolina, and Approval of Rates )

BY THE PRESIDING COMMISSIONER: On March 14, 2019, in Docket Nos. W-1320, Sub 0 and W-1300, Sub 55, ONSWC - Chatham North, LLC (Chatham North), and Old North State Water Company, LLC (Old North State), filed an application seeking authority to transfer to Chatham North, an affiliate of Old North State, the Briar Chapel Subdivision wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On August 5, 2019, in Docket Nos. W-1320, Sub 2 and W-661, Sub 9, Chatham North and Fitch Creations, Inc. d/b/a Fearrington Utilities (FCI) filed an application seeking authority to transfer to Chatham North, the Fearrington Village wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On October 14, 2019, the Commission issued an Order that, among other things, scheduled a public hearing in Pittsboro on Tuesday, January 14, 2020, solely for the purpose of receiving testimony from the Briar Chapel and Fearrington Village customers. In that Order, the Commission further scheduled a hearing in Raleigh on Wednesday, January 22, 2020, solely for the purpose of receiving expert witness testimony from Chatham North, Old North State, FCI, the Public Staff, and any other intervenors.

Following the customer hearing the Commission issued an Order on January 21, 2020, at the request of the Public Staff cancelling the January 22, 2020 expert witness hearing to allow for further investigation by the Public Staff and other intervenors.

On February 26, 2020, the Commission issued an Order rescheduling the expert witness hearing for June 16, 2020 and establishing deadlines for the filing of supplemental testimony by the parties.

On May 7, 2020, Fearrington Homeowner Association, Inc. (Fearrington HOA)<sup>1</sup> filed a petition to intervene. In support of its petition, Fearrington HOA states that it is an association of homeowners in the Fearrington Village subdivision and organized as an incorporated non-profit association under the laws of North Carolina. Fearrington HOA further states that its membership includes all residents of Fearrington Village and that many residents of Fearrington Village are customers of FCI. In addition, Fearrington HOA states that the proposed transfer of the Fearrington Village wastewater system from FCI to Chatham North could affect the rates and service associated with the wastewater treatment system. Fearrington HOA also states that it is concerned about negative impacts of constructing a force main, which it believes will “plow through the 300-foot set aside that buffers the Fearrington Village community from development adjacent to Highway 15-501.”

The Presiding Commissioner finds good cause exists to allow the requested intervention by Fearrington HOA. All parties are reminded that interventions are allowed with the expectation that intervening parties accept and are subject to scheduling orders as they exist at the time intervention is sought. The timing of the granting of intervention alone is not a basis for extensions of time or the re-scheduling of hearings or other proceedings. In addition, it is noted that discovery in proceedings before the Commission is most often conducted in an informal manner between the parties without the need for

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<sup>1</sup> In its petition Fearrington HOA refers to itself by two different corporate names: in page one of the petition as “Fearrington Homeowner Association, Inc.” and in page five of the petition as “Fearrington Village Homeowners Association, Inc.” The Commission takes notice of the business entity filings on record at the office of the North Carolina Secretary of State and has been unable to identify a corporate entity by the name “Fearrington Village Homeowners Association, Inc.” It appears from these records that Fearrington HOA is organized as Fearrington Homeowner Association, Inc.

the involvement of the Commission. Accordingly, the parties are encouraged to conduct informal discovery, exchange information by agreement, and seek the establishment of discovery guidelines or enforcement of discovery rules by the Commission only if necessary.

IT IS, THEREFORE, ORDERED as follows:

1. That Fearington HOA is hereby allowed to intervene in this proceeding; and
2. That the names and addresses of the attorneys for Fearington HOA are as follows:

Dwight W. Allen  
Britton H. Allen  
Brady W. Allen  
Allen Law Offices, PLLC  
4030 Wake Forest Rd., Suite 115  
Raleigh, NC 27609  
[dallen@theallenlawoffices.com](mailto:dallen@theallenlawoffices.com)  
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ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of May, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a light gray horizontal line.

Janice H. Fulmore, Deputy Clerk