

# NORTH CAROLINA **PUBLIC STAFF UTILITIES COMMISSION**

March 30, 2022

Ms. A. Shonta Dunston, Chief Clerk North Carolina Utilities Commission 4325 Mail Service Center Raleigh, North Carolina 27699-4300

> Docket Nos. W-992, Sub 8 and W-1328, Sub 9 - Proposed Transfer Re: of the Crosby Public Utility Franchise, to Red Bird Utility Operating

Company, LLC, d/b/a Red Bird Water and for Approval of Rates

Dear Ms. Dunston:

Attached for filing in connection with the above-referenced docket is the Joint Motion to Cancel Evidentiary Hearing by the Public Staff and Red Bird Utility Operating Company, LLC.

By copy of this letter, we are forwarding copies to all parties of record.

Sincerely,

Electronically submitted s/ John Little Staff Attorney john.little@psncuc.nc.gov

Attachment

**Executive Director** (919) 733-2435

Accounting

Communications (919) 733-5610

**Economic Research** (919) 733-2267

Legal (919) 733-6110 Transportation (919) 733-7766

(919) 733-4279

**Consumer Services** (919) 733-9277

Electric (919) 733-2267

**Natural Gas** (919) 733-4326

### STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. W-992, SUB 8 DOCKET NO. W-1328, SUB 9

#### BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Red Bird Utility Operating	)	
Company, LLC, 1650 Des Peres Road, Suite	)	
303, St. Louis, Missouri 63131, and Crosby	)	
Utilities, Inc., 7536 NC 39 Hwy, Zebulon, North	)	
Carolina 27597 for Authority to Transfer the	)	JOINT MOTION TO CANCEL
Baywood Forest Subdivision Water and	)	EVIDENTIARY HEARING
Wastewater Utility Systems and the	)	
Cottonwood Subdivision Wastewater Utility	)	
System and Public Utility Franchise in Wake	)	
County, North Carolina, and for Approval of	•	
Rates		

Red Bird Utility Operating Company, LLC (Red Bird), through counsel, and the Public Staff – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers (collectively the Parties), move the North Carolina Utilities Commission (Commission) to issue an order cancelling the Tuesday, April 4, 2023 evidentiary hearing. In support of this motion, the Parties respectfully show the Commission the following:

1. On October 20, 2020, Red Bird Utility Operating Company, LLC and Crosby Utilities, Inc. (Crosby), filed with the Commission an Application for Authority to Transfer the Baywood Forest Subdivision Water and Wastewater Utility Systems and the Cottonwood Subdivision Wastewater Utility System and Public Utility Franchise in Wake County, North Carolina, and for Approval of Rates seeking authority to transfer the water utility system and public utility franchise serving the

Baywood Forest Subdivision water and wastewater utility system and the Cottonwood Subdivision wastewater utility system in Wake County, North Carolina, from Crosby to Red Bird and approval of rates.

- On September 22, 2022, the Commission issued an Order Scheduling Hearing, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) setting this matter for hearing on April 4, 2023.
- The Parties have reached a settlement that resolves all the disputed issues in this
  matter. The Parties will file a Stipulation and Settlement Agreement setting forth
  the terms of the settlement by Monday, April 3, 2023.
- 4. The Red Bird witnesses will have to travel from out-of-state to attend the evidentiary hearing. If the evidentiary hearing is cancelled, the Red Bird witnesses will not have to travel from outside the State, saving ratepayers the travel expenses.

#### **WHEREFORE**, the Parties move:

- That the Commission cancel the evidentiary hearing scheduled for April 4,
   2023; and
- For such other and further relief as the Commission may deem just and proper.

Respectfully submitted, this the 30th day of March, 2023.

PUBLIC STAFF Christopher J. Ayers Executive Director

Lucy E. Edmondson Chief Counsel **Electronically submitted** 

/s/ John Little
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/s/ Daniel C. Higgins Burns, Day & Presnell, P.A. Post Office Box 10867 Raleigh, North Carolina 27605 Telephone: (919) 782-1441 dhiggins@bdppa.com

## **CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served a copy of the foregoing Motion upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 30th day of March, 2023.

Electronically submitted /s/ John Little