

DOCKET NO. W-1300 Sub 69**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

In the Matter of:

Petition by Old North State Water)	
Company, LLC to transfer the)	WLI Investments, LLC's Petition to
Majestic Oaks Wastewater)	Intervene
Treatment Facility in Pender)	
County to Pluris Hampstead, LLC)	

WLI Investments, LLC, d/b/a Logan Developers ("WLI" or "Petitioner"), by and through its undersigned attorneys, respectfully requests that the North Carolina Utilities Commission (the "Commission") allow it to intervene in the above-reference docket, pursuant to N.C.G.S. § 62-72 and Rule R1-19 of the Rules and Regulations of the Commission, and grant Petitioner leave to participate fully as a party in this docket. In support of this Petition, Petitioner shows the Commission the following:

1. Petitioner is a Limited Liability Company (LLC) organized and existing under the laws of the State of North Carolina.
2. The principal business of the Petitioner is residential development.
3. Petitioner's principal office and mailing address is 60 Gregory Road, Suite 1, Belville, NC 28451.
4. Petitioner is currently under contract with Old North State Water Company ("ONSWC") for the utility to provide wastewater treatment service to a 338 single family residential development known as Salter's Haven ("Subdivision") at Lea Marina in Pender County and to an additional 30 lots located outside of the Subdivision..

5. Petitioner's representative in this proceeding, to whom all notices, pleadings and other documents related to this proceeding should be directed is

Allen Law Offices, PLLC
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The listed counsel agrees to accept service by electronic means at the email listed above.

FACTS

6. In July of 2018, WLI and OWSNC entered into negotiations regarding the design, engineering, construction and operation of a wastewater treatment to serve certain properties described above and located in Pender County, North Carolina.
7. The negotiations contemplated a division of responsibilities between Petitioner and ONSWC, with operation of the wastewater treatment system ultimately being the responsibility of ONSWC.
8. During July 2018 and as part of those negotiations, emails were exchanged between WLI and representatives of ONSWC, including Michael Myers and John McDonald. The emails discussed both a pump station force main system and low-pressure system. Although ONSWC indicated that it preferred a pump station force main system, it indicated a willingness to utilize low pressure system if it provided advantages to Petitioner.
9. On December 13, 2018, WLI and ONSWC entered into a contract, which provided for several different phases of the systems to be completed. The facilities were

proposed to serve the Subdivision as well as the additional 30 lots located outside the Subdivision. For each system contemplated under the contract, WLI was to design a plan for approval by ONSWC, which approval would not be unreasonably withheld, conditioned or delayed.

10. At the time the contract was executed, it was contemplated that the wastewater services would be provided through an ONSWC facility known as the Majestic Oaks Wastewater facility, which is defined in the contract to include combined gravity and low-pressure wastewater collection systems. Due to anticipated capacity issues associated with the Majestic Oaks system, ONSWC committed to expand the system and obtain the necessary permits for expansion by February 28, 2019. At present, ONSWC has made no effort to upgrade the Majestic Oaks system as it committed to do, resulting in considerable risks to Petitioner and the residents of the Subdivision. Currently, the Majestic Oaks facility is near capacity, and, unless further action is taken, will be unable to absorb any increased load. Petitioner has been notified of these issues by NC Department of Environmental Quality ("NC DEQ"). In the event Majestic Oaks reaches capacity, Petitioner and the residents of the development will be harmed.
11. Currently, service is being provided to the subdivision through a combination of a gravity, force main system and a low-pressure system. The low-pressure system is utilized for a portion of the Subdivision due to elevation issues. The elevation issue also impacts the additional 30 residential units requiring wastewater service, which are included in the Agreement but are not part of the Subdivision.

12. On October 9, 2020, ONSWC and Pluris Hampstead, LLC (Pluris) filed a joint application for the transfer of the systems which are providing or intended to provide wastewater treatment facilities for the Subdivision and the 30 identified residential locations that are not part of the Subdivision.
13. On February 9, 2021, the Commission issued an Order Requiring Customer Notice. Petitioner submits that ONSWC made specific commitments for the provision of wastewater services to the Subdivision and the 30 additional residential sites referenced herein but has failed to honor those commitments. As a result, Petitioner has a direct interest in the subject matter of this proceeding and asks that it be made a party. Counsel for Petitioner has communicated with ONSWC but has not received a satisfactory response as how it intends to honor the commitments made in the Agreement or how those commitments will be kept by the transferee.
14. The continued delay by ONSWC to honor its obligations under the agreement, including the failure to complete necessary permitting has increased costs to WLI and threatens the efficacy of future development in the Subdivision.

WHEREFORE, Petitioner respectfully requests that the Commission enter an Order scheduling a hearing in this docket and allowing Petitioner to intervene, conduct discovery, sponsor witnesses and prefile testimony, cross-examine other parties' witnesses, file briefs and/or proposed orders and otherwise fully participate in this proceeding in all respects and for such other relief as the Commission deems appropriate.

This is the 8th day of March 2021.

Allen Law Offices, PLLC

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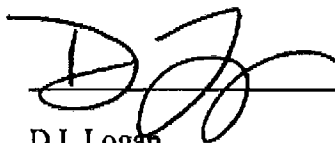
VERIFICATION

County of Brunswick

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On this date, the undersigned certifies that, D I. Logan, who after first being duly sworn, personally appeared before me and said that he is a principal of WLI Investment, LLC and as such is authorized to make this verification, that he has read the foregoing motion, and knows the contents thereof; and that the same are true and correct to the best of his knowledge, information and belief.


D I. Logan

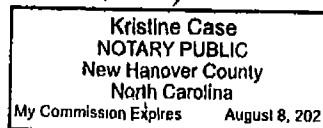
SWORN TO AN SUBSCRIBED BEFORE ME

THIS 8th DAY OF March 2021.

Kristine Case

NOTARY PUBLIC

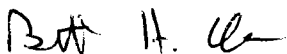
(NOTARY SEAL)



My Commission expires: August 8, 2021

CERTIFICATE OF SERVICE

The undersigned, Britton H. Allen, certifies that a copy of this Motion to Intervene in the above captioned docket has been served upon all parties by electronic service on the 8th day of March, 2021.



Britton H. Allen

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