

BLANCHARD, MILLER, LEWIS & STYERS, P. A.

LAWYERS

PHILIP R. MILLER, III*
E. HARDY LEWIS
M. GRAY STYERS, JR.*
KAREN M. KEMERAIT
STEPHON J. BOWENS

CHARLES F. BLANCHARD
DEBORAH K. ROSS*
OF COUNSEL

1117 HILLSBOROUGH STREET
RALEIGH, NORTH CAROLINA 27603

TELEPHONE (919) 755-3993
FACSIMILE (919) 755-3994
WEBSITE: www.bmlslaw.com
*CERTIFIED SUPERIOR COURT MEDIATORS

February 12, 2009

FILED
FEB 12 2009

Clerk's Office
N.C. Utilities Commission

HAND DELIVERED

Renne Vance, Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

OFFICIAL COPY

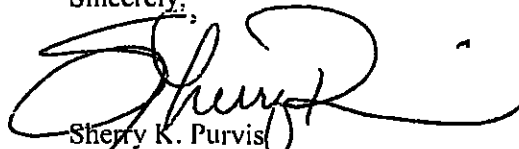
RE: *Application by Briar Chapel Utilities, LLC for Certificate of
Public Convenience and Necessity
Docket No. W-1230, Sub 0*

Dear Ms. Vance:

Enclosed herewith please find an original and nine copies of the **Motion to Request Issuance of Temporary Operating Authority** in the above-referenced docket.

I would appreciate your filing this Motion and returning one "filed" stamped copy to me via our courier. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


Sherry K. Purvis
Legal Assistant to Karen M. Kemerait

skp

Enclosures

cc: All parties of record

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Ceru
AG
Benning
Brown
Gruher
1 Pseco
1 PS legal
1 PS Accts
1 PS Water

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

Docket No. W-1230, Sub 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

FILED
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Clerk's Office
N.C. Utilities Commission

In the Matter of
Application by Briar Chapel Utilities, LLC,)
for a Certificate of Public Convenience and)
Necessity to Furnish Water and Sewer Utility)
Service in Briar Chapel Subdivision in)
Chatham County, North Carolina, and for)
Approval of Rates)

**MOTION TO REQUEST
ISSUANCE OF TEMPORARY
OPERATING AUTHORITY**

Briar Chapel Utilities, LLC (the "Applicant") respectfully requests that the Utilities Commission issue temporary authority to the Applicant to charge interim rates pursuant to N.C.G.S. § 62-116(a). The Applicant requests approval of the applied-for rates as the interim rates as follows:

Connection fee (per REU)	\$1,500.00
Monthly Residential Service Fee (per unit)	\$65.00
Non-residential Monthly Service Fee (per non-residential equivalent unit)	\$65.00

In support of this Motion, the Applicant shows the Commission the following:

1. The Applicant filed an Amended Application for Certificate of Public Convenience and Necessity ("CPCN") and for Approval of Rates to operate as a sewer utility on June 12, 2008. Thereafter, on June 23, 2008, the Applicant filed a revised Amended Application for CPCN and Approval of Rates.

2. The Applicant provided responses to the Public Staff's First Set of Data Requests on August 29, 2008.

3. The Applicant had a meeting with members of the Public Staff on September 19, 2008, at which time, the Applicant agreed to provide additional information and documentation to the Public Staff. The Applicant did in fact provide additional information and documentation on November 3, 2009.

4. The Applicant met with representatives of the Public Staff on December 15, 2008, at which time, the Applicant agreed to provide additional information and documentation to the Public Staff. The Applicant provided the additional information and documentation to the Public Staff on January 27, 2009.

5. The Applicant and the Public Staff are still working to resolve the remaining issues pertaining to the Applicant's applied-for rates.

6. The Applicant currently has 18 customers (including a charter school) that are receiving sewer service from the Applicant. The Applicant is providing the sewer service at no charge since the rates and tap fees have not yet been approved by the Commission. The Applicant expects that it will be providing service to 21 customers by March 1, 2009, and that it will be serving 53 customers by April 1, 2009. Specifically, by April 1, 2009, the Applicant expects that it will be providing sewer service to seven model homes, one information/marketing center, one recreation center, one charter school, 25 Herndon Woods residents, and 18 residential homeowners.

7. No other person or utility seeks to provide the wastewater service in the territory that the Applicant has proposed.

8. As the Applicant is already providing service to a number of homes and a school and because the Applicant expects that it will be providing service to an even greater amount of customers in the near future, the Applicant needs temporary authority to charge interim rates and collect tap fees.

WHEREFORE, the Applicant is requesting Temporary Operating Authority of the applied-for rates as interim rates for the Briar Chapel subdivision, the Herndon Woods Neighborhood, to Bobbie Arrington and Vergie Arrington's residence, and to Sandra J. Tripp's residence.

This the 12th day of February, 2009.

BLANCHARD, MILLER,
LEWIS & STYERS, P.A.

By: Karen M. Kemerait
Karen M. Kemerait
Blanchard, Miller, Lewis & Styers, P.A.
1117 Hillsborough Street
Raleigh, North Carolina 27603
Telephone: (919) 755-3993
Facsimile: (919) 755-3994
kkemerait@bmlslaw.com

CERTIFICATE OF SERVICE


I, Karen M. Kemerait, hereby certify that I have this day served the foregoing **MOTION TO REQUEST ISSUANCE OF TEMPORARY OPERATING AUTHORITY** in Docket No. W-1230, Sub 0 by depositing a copy of same in the United States mail, first-class postage prepaid, or via hand delivery of a copy of same to the following parties of record:

William E. Grantmyre, Esq.
NCUC Public Staff-Legal Division
4326 Mail Service Center
Raleigh, NC 27699-4326

Kathy A. Fernald
Accounting Division, Water Section
North Carolina Public Staff Utilities Commission
4326 Mail Service Center
Raleigh, NC 27699-4326

This the 12th day of February, 2009

Blanchard, Miller, Lewis & Styers, P.A.



Karen M. Kemerait