



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

January 11, 2022

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

Re: Docket Nos. W-992, Sub 8 and W-1328, Sub 9
Application for Transfer of Public Utility Franchise and Approval of
Rates of Crosby Utilities Inc. to Red Bird Utility Operating Company
LLC

Dear Ms. Dunston:

Attached for filing is a Motion and Proposed Order of the Public Staff in the
above-referenced docket.

By copy of this letter, I am forwarding a copy to all parties of record by
electronic delivery.

Sincerely,

Electronically submitted
/s/ Gina C. Holt
Staff Attorney
gina.holt@psncuc.nc.gov

Attachment

cc: Parties of Record

Executive Director
(919) 733-2435

Accounting
(919) 733-4279

Consumer Services
(919) 733-9277

Economic Research
(919) 733-2267

Energy
(919) 733-2267

Legal
(919) 733-6110

Transportation
(919) 733-7766

Water/Telephone
(919) 733-5610

**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 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)
	MOTION FOR ORDER
	CANCELING PUBLIC
	WITNESS HEARING AND
	REQUIRING CUSTOMER
	NOTICE

NOW COMES THE PUBLIC STAFF- North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and hereby respectfully moves the North Carolina Utilities Commission (Commission) to issue an order canceling the public witness hearing previously scheduled in these dockets and requiring customer notice. In support of this motion, the Public Staff shows as follows:

1. On October 22, 2020, Red Bird Utility Operating Company, LLC (Red Bird), and Crosby Utilities, Inc. (Crosby), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and wastewater utility systems and public utility franchise serving all of Crosby's service areas in Wake County, North Carolina, from Crosby to Red Bird and approval of rates. Red Bird filed with the Commission supplemental and additional materials in support of the Application on May 27, May 28, and October 8, 2021, and on June 14 and July 18, 2022.

2. Crosby serves 290 residential customers in the Baywood Forest and Cottonwood Subdivisions.

3. On September 22, 2022, the Commission issued an Order scheduling a public witness hearing on the proposed transfer (Scheduling Order) for Monday, January 23, 2023, at 7:00 p.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The Scheduling Order also required Red Bird to provide notice of the proposed transfer

to customers not later than ten days after the date of the Scheduling Order. Red Bird was also directed to file with the Commission a Certificate of Service, properly signed and notarized, regarding same.

4. On October 3, 2022, the required Certificate of Service, properly signed and notarized, was filed with the Commission.

5. The Scheduling Order provided in the Notice to Customers that the public witness hearing “may be canceled if no significant protests are received on or before Monday, January 9, 2023.”

6. Presently, seven consumer statements have been filed in connection with this matter. All seven consumer statements identified similar concerns with the rates proposed by Red Bird in a future rate case.

7. As of the filing of this motion, the Public Staff is unaware of any other customer protests or comments made in connection with this matter. Further, both Crosby and Red Bird have represented to the Public Staff that neither is aware of any other customer protests or comments made in connection with this matter.

8. The Public Staff has reviewed the filed consumer statements of position. The Public Staff believes neither the quantity nor contents of the filed consumer statements of position constitute the “significant protests” necessary to avoid the cancellation provision set forth in the Scheduling Order. Regarding the issues set forth in the seven consumer statements of position on file, those are well explained and can be considered on the merits by the Commission.

9. The Public Staff is authorized to represent that neither Crosby nor Red Bird object to canceling the public witness hearing. Furthermore, Red Bird does not object to notifying customers of same.

10. A proposed order canceling the public witness hearing and directing Red Bird to notify customers of the cancelation is attached.

WHEREFORE, the Public Staff respectfully moves and requests:

1. That the public witness hearing scheduled for Monday, January 23, 2023, at 7:00 p.m. in the Commission Hearing Room 2115 be cancelled;
2. That Red Bird be directed to notify customers that the public witness hearing has been canceled and file proof of the giving of such notice; and
3. For such other and further relief as may be just and proper.

Respectfully submitted this 11th day of January, 2023.

PUBLIC STAFF

Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/Gina Holt
Staff Attorney

4326 Mail Service Center
Raleigh, North Carolina 27699-4326
Telephone: (919) 733-6110
Email: gina.holt@psncuc.nc.gov

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing on all the parties of record in this proceeding or their attorneys of record by email electronic delivery by agreement of the receiving party 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.

/s/ Gina Holt, by electronic filing
Gina Holt
Staff Attorney

**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,)	ORDER CANCELING
North Carolina 27597, for Authority to)	PUBLIC WITNESS
Transfer the Baywood Forest Subdivision)	HEARING AND
Water and Wastewater Utility Systems and)	REQUIRING CUSTOMER
the Cottonwood Subdivision Wastewater)	NOTICE
Utility System and Public Utility Franchise in)	
Wake County, North Carolina, and for)	
Approval of Rates)	

BY THE CHAIR: On October 22, 2020, Red Bird Utility Operating Company, LLC (Red Bird), and Crosby Utilities, Inc. (Crosby), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and wastewater utility systems and public utility franchise serving all of Crosby's service areas in Wake County, North Carolina, from Crosby to Red Bird and approval of rates. Red Bird filed with the Commission supplemental and additional materials in support of the Application on May 27, May 28, and October 8, 2021, and on June 14 and July 18, 2022.

On September 22, 2022, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice that, among other things, scheduled a public witness hearing to be held Monday, January 23, 2023, at 7:00 p.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The public witness hearing was scheduled for the sole purpose of receiving testimony from the water and wastewater utility customers of Crosby. Crosby currently serves 290 residential customers in the Baywood Forest and Cottonwood Subdivisions. The September 22, 2022 Order stated that the public witness hearing is subject to cancellation if no significant protests are received from customers by the deadline stated in the customer notice.

On January 11, 2023, the Public Staff filed a motion requesting that the public witness hearing scheduled for January 23, 2023, be canceled. In support of

its motion, the Public Staff states that it has reviewed the seven consumer statements of position that have been filed in this proceeding and that the seven consumers identified the same concern regarding the rates proposed by Red Bird in a future rate case. The Public Staff further states that the issues set forth in the seven consumer statements of position are well explained. The Public Staff notes that neither the Public Staff, Crosby nor Red Bird are aware of any other customer protests or comments made in connection with this proceeding. Finally, the Public Staff considers that neither the quantity nor contents of the filed consumer statements of position constitute the “significant protests” necessary to avoid the cancellation provision set forth in the Commission’s September 22, 2022 Order. The Public Staff represents in its motion that neither Crosby nor Red Bird objected to canceling the public witness hearing.

Based upon the foregoing, the Chair finds that the public witness hearing scheduled for 7:00 p.m., on January 23, 2023, in Raleigh, North Carolina should be canceled and notice to customers of the cancellation should be required.

IT IS, THEREFORE, ORDERED as follows:

1. That the public witness hearing previously scheduled for 7:00 p.m., on Monday, January 23, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina is hereby canceled;

2. That a copy of this Order should be mailed with sufficient postage or hand delivered by Red Bird to all affected customers no later than January 17, 2023, and that Red Bird shall submit to the Commission the attached Certificate of Service, properly signed and notarized, no later than January 18, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of January, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers a copy of the Order issued by the North Carolina Utilities Commission in Docket Nos. W-992, Sub 8 and W-1328, Sub 9, and such Order was mailed or hand delivered by the date specified in the Order.

This the ____ day of _____ 2023.

By: _____
Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required copy of the Commission Order was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket Nos. W-992, Sub 8 and W-1328, Sub 9.

Witness my hand and notarial seal, this the ____ day of _____ 2023.

Notary Public

Address

(SEAL) My Commission Expires: _____
Date