

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

Docket No. W-1125, Sub 9

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

|                                 |   |                       |
|---------------------------------|---|-----------------------|
| In the matter of                | ) |                       |
| Greater Kinnakeet Shores Home   | ) |                       |
| Owners Inc. c/o Pat Weston,     | ) |                       |
| P. O. Box 853, Avon, N.C. 27915 | ) | Petition to Intervene |
| Complainant                     | ) |                       |
|                                 | ) |                       |
|                                 | ) |                       |
|                                 | ) |                       |
| Complainant                     | ) |                       |
| v.                              | ) |                       |
|                                 | ) |                       |
| Outer Banks/Kinnakeet           | ) |                       |
| Associates, LLC.                | ) |                       |
|                                 | ) |                       |
| Respondent                      | ) |                       |

NOW COME the below listed property owners in the Kinnakeet Shores subdivision in Dare County, North Carolina ("Property Owners" or "Petitioners") and petition to intervene in this docket.

1. The name and electronic mailing address and spokespersons of Petitioners upon whom all correspondence related to this proceeding should be addressed are:

Themy Veltsistas [themyvelt@outlook.com](mailto:themyvelt@outlook.com)

Charles & Michelle Hitchens [MORRISCHS@aol.com](mailto:MORRISCHS@aol.com)

Jamie Mazerski [bnpholdings@outlook.com](mailto:bnpholdings@outlook.com)

Mark Robert [mark.tm.robert@gmail.com](mailto:mark.tm.robert@gmail.com)

Joe Robert [joe@joemrobert.com](mailto:joe@joemrobert.com)

Rick Barto [rick\\_barto@yahoo.com](mailto:rick_barto@yahoo.com)

Pat Weston [obxblondie@aol.com](mailto:obxblondie@aol.com)

2. The name and address of counsel representing Petitioners is:

Edward S. Finley, Jr., PLLC

2024 White Oak Rd.

Raleigh, NC 27608

[edfinley98@aol.com](mailto:edfinley98@aol.com)

3. The properties Petitioners own within Kinnakeet Shores are listed below:

Phase 7 Lot 709 - ABJK Group LLC - Brad & Ann Vargas

Phase 7 Lot 32 - 41034 Channel Ct. - Nick Veltsistas, Peter Veltsistas

Phase 8 Lot 810 - 41189 Fathom Ct. - Donald & Connie Webster

Phase 9 Lot 907 - 41185 Keel Court - Themy & Constance Veltsistas

Phase 11 Lot 1104 - 41591 Starboard - Charles & Michelle Hitchens (Zing Properties LLC)

Phase 11 Lot 1107 - 41601 Starboard Dr. - Nick & Carillon Veltsistas

Phase 12 Lot 1214 - 4121 Latitude Ln. - Pete & Demetra Veltsistas

Phase 12 Lot 1223 - 41643 Starboard Dr. - Mike & Laura Brewer

Phase 15 Lot 16 - 41169 Lakeside Dr. - Richard Williams / Patti Stefanick

Phase 16 Lots 4, 8-9 - Pony Pasture Dr. Mark Robert

Phase 16 Lot 5 - Pony Pasture - Charles & Michelle Hitchens (Zing Properties LLC)

Phase 16 Lots 4, 8-9 - Pony Pasture Dr. Mark Robert

Phase 16 Lots 11-14, 28, 29, 32, 36, 38, 44-46, 49 - BNP Holdings, LLC. Jamie Mazerski

Phase 16 Lot 16,, 19, 20 - Pony Pasture Dr. - Farrell Family Construction, Inc.

Phase 16 Lot 25 - Starboard Dr. - Jeff Bolte

Phase 16 Lot 26, 27 - Starboard Dr. - Farrell Family Construction, Inc.

Phase 16 Lot 31 - Mako Ct. - Troy & Kelli Foote

Phase 16 Lots 34-35 - Mako Ct. Mark Robert  
Phase 16 Lots 39-41, 43,47-48, 59 - Portside Dr. Mark Robert  
Phase 17 Lot 1701 - 41134 Portside Dr. - Shannon & Stephanie Little  
Phase 17 Lot 1711 - 41188 Portside Dr. - Stefan Plewinski  
Phase 17 Lot 1714 - 41201 Yardarm Ct. - PNT Holdings LLC, Themy Veltsistas  
Phase 17 Lot 1720 - 41195 Yardarm Ct. - Michael Bernhardt  
Phase 17 Lot 1729 - 41196 Yardarm Ct. - John & Nicole Bolton  
Phase 17 Lot 1734 - 41165 Portside - Charles Michelle Hitchens (Zing Properties LLC)  
Phase 18 Lot 1810 - 41196 Shoals Ct. - Epic Visions Development LLC - Will White  
Phase 18 Lot 1828 - 41271 Portside Dr. - Pete & Demetra Velsistas  
Phase 18 Lot 1830 - 42109 Portside Dr. - Lonnie & Michelle McDonald  
Phase 19 Lot 1902 - 41198 Silversands Ct. - Themy & Constance Veltsistas  
Phase 22 Lot 3 - 41508 Portside Dr. - Vanblon Investments LLC - Russell & Carrie Vanblon  
Phase 22 Lot 5 - 41500 Portside Dr. - Seth & Emily Roberts  
Phase 22 Lot 16 - 41454 Portside Dr. - Stefan Plewinski  
Phase 22 Lot 31 - 41509 Portside Dr. - Andrea & Michaela Beutler  
Phase 22 Lot 32 - 41505 Portside Dr. - Michael & Courtney Davis  
Phase 22 Lot 35 - 41457 Portside Dr. - Stephen & Mary Sudol  
Phase 22 Lot 36 - 41475 Portside Dr. - Jess Sudol

4. Property Owners own property and desire to build homes on their property. Property Owners are informed that OuterBanks/Kinnakeet Associates, LLC, ("Respondent") in this docket, holds a certificate of public convenience and necessity issued by this Commission to be the exclusive provider of wastewater service in the subdivision. Property Owners also understand that the North Carolina Division of Water Quality has imposed a moratorium on Respondent, prohibiting additional connections to the wastewater treatment system. The wastewater treatment plant major treatment units are no longer functional. Both clarifiers, the tertiary filter, spray irrigation system, and backup generator are no longer functional. Biosolids have not been removed from the plant for at least

seven years. DEQ has placed the WWTP on sewer moratorium with no new sewer taps, sewer extensions or additional flow effective as of the date of the moratorium.

5. The imposition of this moratorium prevents Property Owners from building on their lots as intended. Some of the Property Owners have sold homes elsewhere in anticipation that they can then build on their lots in Kinnakeet Shores and are prevented from doing so due to the moratorium. The Property Owners pay taxes on their property that they cannot use. The value of the lots of all the above listed Property Owners is diminished due to the imposition of the moratorium. The moratorium has a detrimental effect on the community.
6. Petitioners, owners of property within the service area of Respondent, Outer Banks/Kinnakeet Associates LLC., seek to intervene in this docket in their own right in support of Greater Kinnakeet Shores Home Owners Inc. ("Complainant"), pursuant to NCUC Rule R1-19.
7. Property Owners respectfully request that the Commission grant the relief sought by Complainant in this docket. Petitioners concur with Complainant that consumers of Respondent are in immediate need of the Commission's assistance in addressing the deficiencies outlined in the Complaint. Petitioners understand that even though the Complaint requesting immediate attention from the Commission has been pending for some time and motions from Respondent have been filed and responded to, no action by the Commission thus far has been taken. By their request to intervene, Petitioners seek to impress upon the Commission the urgent need for action and relief.
8. The undersigned are directly affected by the actions and inactions of Respondent with respect to its provision of service within the community.

9. Petitioners participation in this docket will bring critical insight, knowledge, and understanding of the preceding.

10. Pursuit to Commission Rule R-1-39, Petitioners agree to electronic service of all pleadings and other filings in this matter.

WHEREFORE, for the reasons set forth above, Petitioners pray that they be allowed to intervene in this matter.

Respectfully submitted this 11 day of March 2022

Edward S. Finley, Jr., PLLC

/s/ Edward s. Finley, Jr.

Edward S. Finley, Jr.

Attorney for Petitioners

STATE OF NORTH CAROLINA

DARE COUNTY

VERIFICATION

Pat Weston, being first duly sworn, deposes and says that she is the President of the Greater Kinnakeet Shores Home Owners Inc., that she has read the foregoing Petition to Intervene and that the same is true to her knowledge, except as to those matters and things alleged upon information and belief, which she believes to be true.

This the 9<sup>th</sup> day of March 2022

By: Pat Weston  
Pat Weston

OFFICIAL COPY

Mar 11 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Petition to Intervene was duly served upon parties of record either by depositing same in a depository of the United States Postal Service, first class postage prepaid, or by electronic delivery.

This the 11 day of March 2022

William Grantmyre  
Elizabeth Culpepper  
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/s/ Edward S. Finley, Jr.

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