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PLACE: Via Videoconference
DATE: Wednesday, February 2, 2022
DOCKET NO: W-1333, Sub 0 and W-1130, Sub 11
TIME: 1:30 p.m. to 2:47 p.m.
BEFORE: Chair Charlotte A. Mitchell, Presiding
Commissioner ToNola D. Brown-Bland
Commissioner Lyons Gray
Commissioner Daniel G. Clodfelter
Commissioner Floyd B. McKissick, Jr.

IN THE MATTER OF:

Application by Currituck Water and Sewer, LLC,
4700 Homewood Court, Suite 108, Raleigh North Carolina
27609, and Sandler Utilities at Mill Run, LLC, 448
Viking Drive, Suite 220, Virginia Beach, Virginia
23452, for Authority to Transfer the Sandler Utilities
at Mill Run Wastewater System and Public Utility
Franchise in Currituck County, North Carolina and for
Approval of Rates

VOLUME 1

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T A B L E O F C O N T E N T S

E X A M I N A T I O N S

RHONDA KLUSSMANN

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TRUDY EDLER

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GARY LICKFELD

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E X H I B I T S

IDENTIFIED / ADMITTED

Public Witness Lickfeld Exhibit 1 41/41

1 P R O C E E D I N G S

2 CHAIR MITCHELL: Good afternoon, everyone.
3 Let's come to order and go on the record, please. I'm
4 Charlotte Mitchell, Chair of the Utilities Commission,
5 and with me this afternoon, by way of remote video
6 connection, are Commissioners ToNola D. Brown-Bland.
7 Please announce your presence.

8 COMMISSIONER BROWN-BLAND: Good afternoon.

9 CHAIR MITCHELL: Commissioner Daniel G.
10 Clodfelter.

11 COMMISSIONER CLODFELTER: Yes. Good
12 afternoon.

13 CHAIR MITCHELL: And Commissioner Floyd B.
14 McKissick, Jr.

15 COMMISSIONER MCKISSICK: Good afternoon.
16 Present.

17 CHAIR MITCHELL: And, actually, I see that
18 Commissioner Gray is on. I apologize, Commissioner
19 Gray. I missed you.

20 COMMISSIONER GRAY: A little late, a little
21 late.

22 CHAIR MITCHELL: All right. Better late
23 than never.

24 COMMISSIONER GRAY: Thank you.

NORTH CAROLINA UTILITIES COMMISSION

1 CHAIR MITCHELL: I now call for hearing,
2 Docket Nos. W-1333, Sub 0 and W-1130, Sub 11, In the
3 Matter of Application by Currituck Water and Sewer,
4 LLC, and Sandler Utilities at Mill Run, LLC for
5 Authority to Transfer the Sandler Utilities at Mill
6 Run Wastewater System and Public Utility Franchise in
7 Currituck County, North Carolina and for the Approval
8 of Rates.

9 Before I proceed further, and as is required
10 by the State Government Ethics Act, I remind Members
11 of the Commission of our duty to avoid conflicts of
12 interest and inquire, at this time, as to whether any
13 member of the Commission has a known conflict with
14 respect to the matters coming before us today.

15 (No response)

16 CHAIR MITCHELL: The record will reflect
17 that no conflicts have been identified, so we'll
18 proceed. On May 19th, 2021, Currituck Water and
19 Sewer, LLC and Sandler Utilities at Mill Run, LLC
20 filed with the Commission an Application by which
21 Currituck and Sandler seek authority to transfer the
22 Wastewater Utility System and the Public Utility
23 Franchise serving the Eagle Creek Subdivision, the
24 Eagle Creek Golf Club and Country Club, and Moyock

1 Middle School from Sandler to Currituck. The
2 Application also seeks the approval to charge certain
3 rates.

4 Present rates charged by Sandler were
5 approved by the Commission in Docket No. W-1130, Sub 9
6 and M-100, Sub 138 and have been in effect
7 since December 9th, 2016. Upon acquisition of the
8 system, Currituck proposes to charge the current
9 Commission-approved rates for Sandler.

10 The intervention and participation of the
11 Public Staff in this proceeding is recognized pursuant
12 to North Carolina General Statute Section 62-15, Sub D
13 and Commission Rule R1-19, Sub E. The Public Staff is
14 the consumer advocate and represents, in this
15 proceeding, the Using and Consuming Public. That is
16 the Utility's customers.

17 On November 18th, 2021, the Commission
18 issued an Order Scheduling Hearings, Establishing
19 Discovery Guidelines and Requiring Customer Public
20 Notice. The Order scheduled two public witness
21 hearings to be held remotely by way of Webex on this
22 date as well as an expert witness hearing to begin on
23 April 5th, 2022.

24 Between October 12, 2021 and January 31st,

1 2022, various statements of consumer position have
2 been filed in this docket. The purpose of today's
3 hearing is to hear from Sandler's customers regarding
4 their concerns with the pending requests. Each public
5 witness will be given the opportunity to testify under
6 oath to the Commission, should he or she wish to do
7 so.

8 Before we move on, I'd like to discuss the
9 procedures that we're going to follow for this
10 hearing. First, public witnesses will be appearing by
11 audio connection only. Commissioners and counsel for
12 the parties will be appearing by video and audio
13 connection.

14 Any public witnesses that wish to view a
15 live video of the proceeding may access it on their
16 computers by way of YouTube which is linked from the
17 Commission's home page. However, be sure to mute your
18 computers when you're called to testify to avoid
19 feedback and interfering with our court reporter's
20 ability to transcribe the proceeding.

21 Public witnesses will be called on to
22 testify in the order that they have called in. When
23 it is your turn to speak, you'll be unmuted by our
24 Webex administrator, and you'll hear two beeps on your

1 phone line indicating that you have been unmuted. At
2 that time, I'll ask you to state your name, and then I
3 will deliver the affirmation. Once you've been
4 affirmed, the attorney for the Public Staff will ask
5 you a series of questions, and then you'll have your
6 opportunity to testify.

7 To ensure that this hearing runs as
8 efficiently as possible, please pay close attention
9 during the course of the hearing and be ready to
10 respond as soon as you hear those two beeps.

11 With that, we'll go ahead and get started.
12 I call upon counsel for the parties to announce their
13 appearances, for the record, beginning with the
14 Applicant.

15 MR. FINLEY: My name Edward Finley, Madam
16 Chair, appearing on behalf Currituck Water and Sewer
17 Company.

18 CHAIR MITCHELL: Good afternoon, Mr. Finley.

19 MS. KEMERAIT: Good afternoon, Madam Chair
20 and members of the Commission. My name is Karen
21 Kemerait. I am an attorney with Fox Rothschild in
22 Raleigh, and I represent Sandler Utilities in Mill
23 Run.

24 CHAIR MITCHELL: Good afternoon,

NORTH CAROLINA UTILITIES COMMISSION

1 Ms. Kemerait. All right. Public Staff.

2 MS. HOLT: Good afternoon. I'm Gina Holt
3 with the Public Staff, here on behalf of the Using and
4 Consuming Public.

5 CHAIR MITCHELL: Good afternoon, Ms. Holt.
6 It's my understanding that counsel for Sandler would
7 like to provide a brief opening statement, so
8 Mr. Finley, you may proceed.

9 MR. FINLEY: Okay. At this time, counsel
10 for Currituck Water and Sewer but I would like to
11 make --

12 CHAIR MITCHELL: Oh, I'm sorry. I'm sorry.
13 For the record, you're right, counsel for Currituck
14 Water and Sewer. My apologies.

15 MR. FINLEY: Thank you. This will be brief.
16 Currituck Water and Sewer appreciates the opportunity
17 today to hear from the Eagle Creek Wastewater System
18 consumers on the issue of the Company's desire to
19 obtain from the Commission approval of this
20 acquisition of the system from Sandler Utilities.

21 CWS recognizes and acknowledges that
22 customers are experiencing service disruptions and
23 environmental issues, and that many are justifiably
24 distressed and concerned. The environmental

1 regulators in the state have placed the system on
2 moratorium and it is currently under a Consent Decree
3 imposing some strict requirements on operation,
4 maintenance, and communications.

5 CWS is intimately familiar with the system,
6 the moratorium, and the Consent Decree. The
7 collection system has exceeded its useful life and
8 improvements are necessary. That opinion is not held
9 by CWS alone. The environmental regulators certainly
10 agree the Public Staff is currently, comprehensively
11 investigating the situation there, and can be
12 anticipated to weigh in later in the proceeding.

13 CWS recognizes that there is a substantial
14 debate within the community as to whether the current
15 vacuum collection system should be replaced or instead
16 should be rehabilitated. CWS recognizes that whatever
17 must be done, will result in some continued
18 inconvenience and interruption.

19 CWS has talked with the community and
20 understands that there is a substantial difference of
21 opinion among some as to what should be done. While a
22 strong case can be made for replacing the vacuum
23 system with a gravity system, CWS is willing to
24 continue dialog with consumers and regulators, and to

1 consider other options. And the Company will have to
2 file its testimony later in the week, and what has
3 been done and will be done in that regard will be
4 discussed in greater detail there.

5 CWS understands that Sandler, the developer
6 of Eagle Creek, desires to sell and CWS desires to
7 acquire and undertake the steps necessary to improve
8 the system above as to its operations today and in the
9 future. That concludes the statement, Madam Chair.
10 Thank you.

11 CHAIR MITCHELL: Thank you, Mr. Finley.
12 Ms. Holt, let me check in with you. Does the Public
13 Staff wish to provide any opening remarks this
14 afternoon?

15 MS. HOLT: No, we don't.

16 CHAIR MITCHELL: Okay. Thank you, ma'am.
17 With that, we'll go ahead and begin the public
18 hearing. Mr. McCoy, would you please unmute the first
19 witness.

20 MS. KLUSSMANN: Hello?

21 CHAIR MITCHELL: Good afternoon. Would you
22 please identify yourself.

23 MS. KLUSSMANN: My name is Rhonda Klussmann.
24 I am --

1 CHAIR MITCHELL: Ms. Klussmann, let me have
2 you affirm.

3 RHONDA KLUSSMANN;
4 having been duly affirmed,
5 testified as follows:

6 CHAIR MITCHELL: Okay. Ms. Holt, you may
7 take over, please, ma'am.

8 DIRECT-EXAMINATION BY MS. HOLT:

9 Q Good afternoon, Ms. Klussman. Could you please
10 state your name for the record.

11 A My name is Rhonda Klussmann. It's
12 K-l-u-s-s-m-a-n-n.

13 Q Thank you. And what is your address?

14 A I am at 151 Eagleton Circle Moyock, North
15 Carolina.

16 Q Are you a customer of Sandler Utilities?

17 A Yes, I am.

18 Q Do you have a statement you'd like to make?

19 A Yes, I do.

20 Q Please proceed.

21 A Thank you, Madam Chairman and Commissioners for
22 this opportunity to speak with you today. First,
23 I would like to speak to you about the prefilled
24 neighborhood petitions that you were sent on

1 January 21st. I hope the petitions are available
2 to you at this time for your reference. Creation
3 of the neighborhood petitions to represent the
4 overall preferences of homeowners is to bring the
5 child of my neighbor Tammy Green.

6 I said to Ms. Green during
7 development of the petition descriptions in
8 obtaining homeowners' signatures, through other
9 volunteers, helped Ms. Green and me with petition
10 signing. The four of us who supported this
11 effort do not hold positions on the HOA Board.

12 The following details are provided
13 regarding the petition efforts: In November,
14 2021, two petitions were created; one in support
15 of gravity replacement, and another supporting
16 upgrade of the existing vacuum system. Per the
17 guidance from Mr. Grantmyre during a community
18 meeting on October 18th, the petitions include
19 conditions for consideration by the Commission.

20 Signatures were limited to
21 homeowners only. Signatures from renters were
22 not allowed. With one signature allowed, per
23 address, a homeowner signed only one of the
24 petitions of his or her choice. In case of

1 multiple owners per address, a single collective
2 signature was obtained.

3 Beginning December 5th through
4 January 20, signatures were obtained via
5 door-to-door solicitation gathering for community
6 meetings and at the Eagle Creek Golf Club during
7 dinner hours.

8 There are 423 homes in the Eagle
9 Creek Subdivision and 247 signatures were
10 obtained representing 58 percent of the
11 neighborhood. 13 homeowners or 5 percent of the
12 signatures obtained supported gravity
13 replacement, while 234 homeowners or 95 percent
14 supported upgrading the existing backing system.

15 I spoke to many homeowners while
16 obtaining signatures, and where the homeowners
17 preferred gravity replacement or vacuum upgrade,
18 a commonality existed. They were frustrated with
19 repeated outages and expressed a desire for
20 reliable service.

21 For the majority of homeowners who
22 chose upgrade of existing system, the reasons
23 were based upon distrust in Mike Myer's ability.
24 They don't believe he will limit disruption of

1 other utilities such as electricity, internet,
2 and water, nor will landscaping hardscapes and
3 roads be properly restored.

4 They don't trust him to provide us
5 with service impact and equipment easement, and,
6 lastly, they doubt he'll provide timely and
7 accurate progress updates and schedule changes.
8 Many homeowners in favor of upgrading the
9 existing system lead Mike Myer's justified
10 installation of a gravity system by intentional
11 understaffing of maintenance technicians, lack of
12 timely and accurate system status communication
13 to customers, and the inability to provide
14 reliable sewer service.

15 They also believe that Currituck
16 Water and Sewer is motivated by the purchase of
17 Eagle Creek at a discount, only to profit greatly
18 from the gravity system due to significant rate
19 hikes. Some homeowners are in favor of upgrading
20 the current system due to cost alone.

21 Projected rates for vacuum
22 upgrades are lower than the estimates provided
23 for a gravity system. For homeowners who prefer
24 gravity replacement, this option was chosen

1 because they are not confident that upgrading the
2 existing system will become long-term reliable
3 service.

4 While going door-to-door obtaining
5 homeowner signatures, I want to share one
6 conversation in particular. It was a homeowner
7 and mother who lived several houses up from me.
8 She answered the door with a two-month-old baby
9 in her arms.

10 The day she arrived home from the
11 hospital last November with her infant, the sewer
12 was down and water conservation was required. I
13 cannot imagine the joy of a newborn interrupted
14 by the helplessness of a sewer outage along with
15 water conservation to avoid backup. This
16 mother's memory of caring for her baby will be
17 forever punctuated by the inability to cook,
18 clean, bathe, and do laundry.

19 Please consider Eagle Creek
20 homeowners' preferences represented by these
21 petitions as you finalize the transfer and system
22 solution. Commissioners, do you have any
23 questions for me regarding the petitions before I
24 provide my personal statement?

1 CHAIR MITCHELL: Ms. Klussmann, thank you.
2 During this proceeding, the Commissioners are only
3 hearing -- taking testimony from witnesses and will
4 not be asking any questions of the witnesses, so
5 please proceed with your personal statement.

6 THE WITNESS: Okay. Thank you. I just
7 wanted to make sure that it was clear what the intent
8 of the petitions and what they were about. Okay. I
9 will proceed.

10 A In August, 2020, my husband, a retired Airforce
11 Veteran, and I relocated from California to be
12 near my son who was stationed at Norfolk and my
13 four grandchildren. We spent our life savings
14 purchasing a home at Eagle Creek with the
15 assumption we would get a return on our
16 investment, given golf course accessibility, and
17 HOA enforcement of CPNRs.

18 Shortly after purchasing our home,
19 a sewer issue started. I have not experienced
20 any sewage backups into my home so far. However,
21 I have encountered sewage overflows at my pit and
22 candy cane at least five times. In those cases,
23 I reported the overflow to David May at DEQ. The
24 fact that my property values have been harmed by

1 the raw sewage that flowed into yards and ditches
2 keeps me awake at night. When I do sleep, I have
3 nightmares that sewage is pouring from the toilet
4 onto the floor of my home. For some residents at
5 Eagle Creek, my nightmare is their reality.

6 It's reasonable to expect the
7 sewer service I pay for is providing the same
8 level of reliability as electricity, internet,
9 and water. I should not have to check my e-mail
10 or Facebook page for assistant status before
11 starting my morning routine, and I shouldn't have
12 to cringe each time I flush the toilet.

13 I signed the petition to upgrade
14 the vacuum system because it seems to be the
15 sewage and the lower risk. I am greatly
16 concerned with the dewatering that is required to
17 install the gravity system. It is my
18 understanding that dewatering the peak soil,
19 known to exist in a subdivision, will cause the
20 ground to be unstable. In turn, foundations and
21 swimming pools could shift or sink.

22 If the solution chosen for this
23 community requires dewatering, I'm requesting the
24 Commission to require the system owner to carry

1 liability insurance that covers property damages
2 incurred as a result of ground instability for a
3 period of 10 years. I don't trust Mike Myers to
4 install the gravity system without doing harm to
5 my property or the common areas. I don't feel
6 he's capable of minimizing utility interruptions,
7 being the outage that occurred in connection with
8 the Fost development to our treatment plant.

9 It's the continuing operation of
10 Eagle Creek on September, 2020. Envirolink has
11 failed to adequately respond to service issues
12 and communicate system status in a timely manner
13 until forced to do so by a court order issued
14 last December.

15 As owner, Sandler has failed to
16 sufficiently fund necessary upgrades and repairs
17 until criminal charges were imminent. In this
18 century, in this state, the sewer issues of Eagle
19 Creek should never have happened. Residents
20 should have never endured the unhealthy living
21 conditions caused by raw sewage backing up in
22 homes and yards.

23 The resulting contamination of
24 soil and ground water should not have occurred as

1 well. To avoid future harm to California
2 residents and the environment, I'm requesting
3 that the Commission modify regulations related to
4 collection and waste water treatment systems as
5 follows:

6 Both public and privately owned
7 systems are held to the same standard. Establish
8 minimum maintenance requirements and schedule.

9 Develop service reliability
10 threshold and enforcement. Improve oversight
11 with annual inspections and samplings. Insure
12 approved rate increases related to upgrades are
13 completed in a timely manner. Implement a credit
14 policy to minimize the risk of default and
15 bankruptcies by owners and operators.

16 Greatly increase penalty amounts
17 as a kingdom measure to deter violations.
18 Penalties collected should fund repairs and a
19 cleanup to customers' properties. Penalties
20 often get distributed to customers as a refund
21 for service disruptions.

22 In closing, please insure that
23 Eagle Creek and all other wastewater collection
24 treatment facilities are operating in a

1 responsible manner that protect citizens and the
2 environment. And that's the end of my statement.

3 CHAIR MITCHELL: Thank you, Ms. Klussmann,
4 for your statement today. Let me check in with
5 counsel for the parties to see if there are questions
6 for you.

7 MR. FINLEY: No questions from CWS.

8 MS. KERMERAIT: No questions, Sandler
9 Utilities.

10 CHAIR MITCHELL: Ms. Holt.

11 BY MS. HOLT:

12 Q Okay. Ms. Klussmann, when did you first move to
13 the subdivision?

14 A I moved into the subdivision in August, 2020.

15 Q Okay. Now, you stated that you have not had
16 sewage backup into your home. However, you've
17 had overflows in your pit. Is that correct?

18 A That's correct, which is on my property in the
19 yard.

20 Q Okay. Now, you also stated that you reported it
21 to DEQ. Is that correct?

22 A Correct.

23 Q Did you also report it to the company, Sandler
24 Utilities?

1 A Um, I did not. I believe I had sent some of
2 those e-mails to Mr. Franklin, and -- some of it
3 went to Deborah Massey at Envirolink.

4 Q Okay. So you copied them, but you did not
5 contact them directly. Is that what you're
6 saying?

7 A Well, yes, but at the time when I seen these
8 overflows at my pit or my candy cane, one of the
9 first things I'm going to do is to call
10 Envirolink and report that there's something
11 wrong with my service and for them to come out
12 and check the pit.

13 Q Okay. Um --

14 A But I never contacted Sandler directly. I don't
15 even -- you know, actually, I wouldn't even know
16 how to do that because I would want to e-mail
17 them, and I don't even think I have an e-mail for
18 Sandler.

19 Q Okay. Thank you. Now, you said --

20 A You're welcome.

21 Q What percentage of the property owners are in
22 favor of replacement?

23 A For those who signed -- for those who
24 signed, 95 percent supported the existing

1 upgrading, existing vacuum system.

2 Q Okay. So 5 percent, I guess, would be in favor
3 of upgrading -- I mean of replacing?

4 A Yes. Yes, that's correct.

5 Q Okay. Now, you stated that you have no
6 confidence in Mike Myers? Why is that?

7 A Because he has demonstrated over and over again,
8 based upon my service disruptions, and his lack
9 of communication, that he's not necessarily
10 interested in providing customer service.

11 If Mr. Myers was interested in
12 developing his business and creating trust in the
13 community, he would have done a better job with
14 customer service in responding to our issues,
15 which he did not do, and he hasn't done -- he
16 only did it because he was forced to, based upon
17 the court order.

18 MS. HOLT: Thank you. I have no further
19 questions.

20 THE WITNESS: Thank you.

21 CHAIR MITCHELL: Questions for the witness
22 from Commissioners? Commissioner McKissick, I see you
23 moving toward your microphone.

24 COMMISSIONER MCKISSICK: Yes, I do have one

1 question.

2 EXAMINATION BY COMMISSIONER McKISSICK:

3 Q I recall reading in the record that at one point,
4 I believe it was in September, 2020, that the
5 subdivision went without service for 17 days. Is
6 that a correct statement that was made in the
7 record?

8 A Correct.

9 Q And what explanation were you provided, at that
10 time, relating to the inability to provide
11 service of the interruption of service?

12 A So for that one, it started in September and went
13 into October. If I remember correctly, there
14 were multiple issues. There -- that caused an
15 outage. I know one of them was a vacuum pump
16 that failed. I know there will be others that
17 are going to testify today that could give you
18 better details in that, but I know that that was
19 one of them, was that there was vacuum pump
20 failures that occurred during their time period.

21 Q And just one --

22 A That required -- oh. I'm sorry.

23 Q Just one quick follow-up. Have you had any other
24 service interruptions that were for that similar

1 period of time or protracted period of time?

2 A Can you please clarify what you mean in that?

3 I've had multiple service interruptions, if that
4 is what you are saying. It's during -- from the
5 time that I have lived here in the neighborhood,
6 I do know of -- I have had some April, 2021,
7 December, 20 -- December in -- December in 2020
8 we had them. I had them for January, 2021. I
9 know of -- I can confirm without looking at the
10 entry e-mails, I have March, 2021, April of 2021.
11 I know in June of 2021, July, 2021. I know from
12 September, 2021 through the end of September,
13 2021 through the beginning of December, 2021,
14 that was a night that we had repeated outages
15 almost on a weekly basis.

16 Q And one final question. How long have you
17 resided in the Eagle Creek subdivision?

18 A I moved in -- I have lived in this neighborhood
19 and in this area since August of 2020, so I've
20 only been here about a year and a half.

21 COMMISSIONER McKISSICK: Thank you. Chair
22 Mitchell, I have no further questions.

23 THE WITNESS: Thank you.

24 CHAIR MITCHELL: Checking in, any additional

1 questions for the witness?

2 (No response)

3 CHAIR MITCHELL: Hearing none, you may step
4 down. Thank you very much, Ms. Klussmann, for your
5 testimony today.

6 THE WITNESS: Thank you.

7 CHAIR MITCHELL: John, would you please
8 unmute the next witness.

9 MS. EDLER: Hello. This is Trudy Edler.

10 CHAIR MITCHELL: Good afternoon, Ms. Edler.
11 Let me go ahead and give you the -- get you under
12 oath.

13 TRUDY EDLER;
14 having been duly affirmed,
15 testified as follows:

16 CHAIR MITCHELL: Ms. Holt, you may take
17 over.

18 DIRECT-EXAMINATION BY MS. HOLT:

19 Q Good afternoon.

20 A Good afternoon.

21 Q Could you please state your name and spell it,
22 for the record.

23 A I'm sorry. Could you repeat that? You're
24 breaking up a little bit.

1 Q Okay. I'm sorry. Could you please state your
2 name, and spell your first and last name, for the
3 record.

4 A Yes. My name is Gertrude Edler, G-e-r-t-r-u-d-e,
5 Edler, E-d-l-e-r, and I live at 139 Greenview
6 Road in Moyock, North Carolina.

7 Q And are you a customer of Sandler Utilities?

8 A Yes, I am.

9 Q Okay. Thank you. Please go ahead with your
10 statement.

11 A Okay. I appreciate the opportunity to express my
12 concerns regarding the Currituck Water and Sewer
13 purchase of our community system, and I've lived
14 here for almost 16 years. And up until
15 roughly two years ago, when Envirolink took over
16 the maintenance of our system, we never really
17 had any major issues.

18 Now, I'm not going to rehash all
19 of the catastrophic failures that have occurred,
20 and I know the Commissioners have been made aware
21 of them, but going forward, my main concern is
22 that Mr. Myers, Envirolink, CWS, that the last
23 speaker just spoke to, we really find them
24 completely untrustworthy.

1 We went through a year and a half
2 of consistent failures with barely a response
3 from Envirolink. People had to release raw
4 sewage into their yards. There were overflows,
5 there were backups. I've had backups in my own
6 home. And because we couldn't get any kind of
7 help from Envirolink -- in fact, when we would
8 call, they would insist they had no idea there
9 were any issues or that techs were already on
10 site when they really weren't, and it only seems
11 recently, since they're trying to purchase this
12 system from Sandler, that they've started
13 communicating on a regular basis with the
14 community.

15 But, honestly, their workmanship
16 is no better. This place is crawling with
17 Envirolink employees every day, but there are
18 still failures every single day. If this sale
19 goes through, CWS made it pretty clear their
20 solution is to replace the existing vacuum system
21 with the gravity system.

22 They would have it essentially
23 digging up most of the entire neighborhood,
24 although they said they'll mitigate any problems

1 that would occur. Again, we really don't trust
2 them. Their word means nothing to us.

3 This would be two years of our
4 neighborhood being ripped apart; them running
5 pipes through the backyards, to the golf course,
6 having to remove fences, possibly damaging
7 existing patios due to the dewatering required,
8 and I really don't believe they would fix any of
9 the damage that occurs. They didn't for the golf
10 course, and I heard this from the owner
11 personally.

12 The damage they did when they ran
13 the pipes for the Fost development and how they
14 said they would restore his course, they never
15 did, and they told him that's as much as we're
16 doing. So if this sale goes through, will the
17 Commissioners of the utilities and DEQ add some
18 sort of guardrails for us, or when our
19 neighborhood is completely destroyed, are we,
20 once again, going to hear well, it's a private
21 company and there's not much we can do. We've
22 heard that a lot in the last year.

23 So I thank you for the time to say
24 my piece and if you have any questions.

1 CHAIR MITCHELL: Thank you very much for
2 your testimony, Ms. Edler. Let me check in with
3 counsel to see if there are questions for you.

4 MR. FINLEY: No questions from CWS.

5 MS. KERMERAIT: No questions from Sandler
6 Utilities.

7 CHAIR MITCHELL: Ms. Holt, questions from
8 the Public Staff.

9 BY MS. HOLT:

10 Q Ms. Edler, you said you were a resident for
11 16 years in the subdivision?

12 A July will be 16 years, yes.

13 Q And you had no problems until recently, until the
14 last --

15 A I would say -- well, you know, if there were a
16 problem occasionally, it was never catastrophic.
17 And, no, I could say personally up until about a
18 year and a half to two years ago, we had no
19 issues.

20 MS. HOLT: Okay. Thank you.

21 CHAIR MITCHELL: Ms. Holt, I believe you
22 said nothing further for the witness?

23 MS. HOLT: Yes.

24 CHAIR MITCHELL: Thank you, ma'am.

1 Ms. Edler, thank you, again, for your testimony this
2 afternoon, and thank you for coming today.

3 THE WITNESS: Thank you very much.

4 CHAIR MITCHELL: Mr. McCoy, unmute the next
5 witness, please.

6 MR. LICKFELD: My name is Gary Lickfeld.

7 CHAIR MITCHELL: Good afternoon, sir.

8 GARY LICKFELD;

9 having been duly affirmed,

10 testified as follows:

11 CHAIR MITCHELL: Ms. Holt, you may proceed.

12 DIRECT-EXAMINATION BY MS. HOLT:

13 Q Good afternoon. Please state and spell your
14 name, for the record.

15 A My first name is Gary, G-a-r-y, last name is
16 Lickfeld, L-i-c-k-f as in frank e-l-d.

17 Q Thank you. And what is your address,
18 Mr. Lickfeld?

19 A I'm at 220 Greenview Road in Moyock, North
20 Carolina, and I'm a customer of Sandler
21 Utilities.

22 Q Thank you. Please go ahead with your statement.

23 A I submitted an e-mail with a four-page written
24 statement and various pictures and attachments,

1 so I'd like to enter that into evidence as well,
2 along with a sewer impact chart that I created on
3 my own that tracks outages from -- starting from
4 January 1st of 2021 up until my last outage of
5 12/9 of '21.

6 I am in favor of the gravity-based
7 system. It's the one with the least -- it's
8 expensive, more expensive up front, and I believe
9 it has a longer, better-term solution, upgrading
10 the vacuum system. What people are not taking
11 into consideration is the cost that it will be to
12 maintain that system and potential more cost when
13 that system expires in 10 years.

14 Gravity will last a lot longer.
15 Another way to look at it is right now, we have,
16 you know, over 200 pits in our neighborhood which
17 is like a mini list station. With gravity, it
18 would be reduced to seven list stations, which
19 is, you know, a lot better than 200.

20 One thing I will say is I'm very
21 disappointed in how long this process is taking
22 and how much we've had to endure with these
23 outages. I've experienced outages not even a
24 year after I moved into my house. I'm the

1 original owner. I moved in, in 2002.

2 The first experience I had was
3 with Hurricane Isabel when we had raw sewage back
4 up into my house. I learned, at that time, the
5 sewer plant did not have a working generator, as
6 is per state code, and that's another issue, is I
7 had a recent virtual Town Hall meeting. It was
8 stated that there's not a lot of vacuum systems
9 in the state, and regulators don't know, are not
10 familiar with how to enforce that, and it should
11 not take 25 years of enforcement to -- or
12 25 years to go through this to figure out how to
13 enforce this.

14 You know, we have paid -- I have
15 paid my utility bill on time, every time for the
16 sewer, and where has that money gone? What
17 people are not realizing is, you know, when
18 Envirolink took over, the plant was
19 nonoperational, and that is due to Sandler's
20 negligent of the plant, along with Envirolink --
21 I'm sorry, Enviro-Tech that managed the plant at
22 that time because there are no maintenance
23 records for what they did.

24 I had problems in either 2010 or

1 '11 where my pit collapsed into the yard, and
2 that is also an attachment in the e-mail that I
3 sent in. And when I called Sandler to report the
4 issue at Envirolink -- at Enviro-Tech, and my pit
5 had collapsed in my yard, they said, "We don't
6 have any money to fix it," and that is
7 unacceptable. They ended up paying it in full to
8 me.

9 I ended up having to call DEQ at
10 that time. And they came out to my house to
11 represent us the next day and called Sandler and
12 said, you know, "You have to start fixing this or
13 face fines, and it should not take that to" --
14 "you shouldn't have to go to that extent to have
15 a problem fixed."

16 We were recently also presented
17 with other options of a step in a low pressure
18 system which would involve grinder pumps and
19 pumps, some of which would be attached to our
20 electric at our house. You know, I'm not in
21 favor of that because both of those options have
22 more moving parts. And, you know, things break,
23 things get expensive to fix.

24 And, like I said, gravity has --

1 in my opinion, has the least of problems, and
2 it's proven at a time -- over time that it's
3 effective. And due to the fact that low pressure
4 system and step systems and vacuum systems do not
5 have a long life span, I would ask that, you
6 know, some other procedures be put into place so,
7 you know, we or another community doesn't have to
8 go through this because this has been, you know,
9 too long and we should not have to live like
10 this.

11 I have since filed the complaints
12 with the Attorney General's office for fraud
13 against Sandler and gross negligence against the
14 State of DEQ. In 2015, the rate increase --
15 Sandler asked for rate increase. The State came
16 in, inspected the plants, and had a laundry list
17 of items that need to be fixed, repaired or
18 replaced.

19 And I found out from another state
20 official that no one ever went back, after that
21 rate increase was approved, to see what, if
22 anything, was done, so it's used and negligent by
23 Sandler and Enviro-Tech, and Envirolink was given
24 a huge task of bringing the plant and the system

1 back online.

2 You know, I've talked to a lot of
3 people. Technicians listened to what they had to
4 say, and there was one common theme throughout
5 this whole thing, was they kept coming up with
6 ideas and things that they wanted to do and were
7 saying that Sandler would not find the money to
8 do it, and it wasn't until recent court
9 proceedings that that, you know, is being done.

10 And I learned from my County
11 Commissioner, you know, that Sandler owes, you
12 know, a huge amount of money to Envirolink, over
13 \$500,000. So, again, where -- where is this
14 money going? I also feel that we, as residents,
15 myself included, should not have to pay for
16 whatever the system is going to be.

17 I paid my utility bills. I
18 shouldn't have to pay more for something that
19 wasn't maintained. You know, my opinion, the
20 Attorney General should step up to Sandler and
21 say, "You know what? You can face either face
22 426 charges of fraud for 20 years or you can
23 replace the system so these people can have peace
24 of mind."

1 I also have an opinion on the
2 petition. I spoke to numerous residents around
3 me, and I never received a chance to sign the
4 petition. No one came to my door. I also think
5 it was skewed to intentionally show a more
6 preponderance towards vacuum upgrade versus
7 gravity, because in their own statement, they
8 said they don't have any confidence in Mike
9 Myers, which I do, and it doesn't make sense that
10 if you don't have confidence in him to put the
11 gravity system in, why would you have confidence
12 in him to upgrade a vacuum system? That doesn't
13 make any sense. It doesn't hold any water.

14 Also, too, I would ask that
15 whatever new system is installed, that Currituck
16 Water and Sewer be willing to clean out the lines
17 from every resident to the main connection point
18 of their service to do all the backups. You
19 know, numerous people have had, myself
20 included -- I don't think this is a big ask.
21 They've stated that they would be willing to wait
22 three years for a rate increase to give time to
23 the Fost and floor developments to grow and
24 potentially lower our rate increases.

1 You know, we're also told in that
2 Town Hall meeting that with a step system or a
3 low pressure system, if grinder pumps were to be
4 attached into that system and electricity to be
5 run from our house, that they would uphold and
6 maintain those grinder pumps even though those
7 would be on our lines from the house to their
8 connection, which is normally what we are
9 responsible for.

10 If that goes -- if that system is
11 chosen, I would ask that something be put in or a
12 contract be drawn up because if Currituck Water
13 and Sewer is sold at a later date, years down the
14 road, we should not have to maintain those
15 grinder pumps.

16 Those grinder pumps are about \$700
17 to replace when they break, and Currituck Water
18 and Sewer has already stated that they would be
19 willing to take responsibility for the
20 maintenance and replacement of that, and this is,
21 you know, another reason why I have confidence in
22 Mike Myers. He gave people the opportunity to go
23 meet with him, and I was one of them. And I
24 asked a lot of questions and he was able to put

1 my mind at ease.

2 The whole community had an
3 opportunity to meet with him and not many people
4 chose to, so that's on them. You know, and I
5 think everybody needs to step back and look at
6 the mission statements of the Attorney General's
7 office and DEQ, and even the only Utilities
8 Commission's mission statement, because it's all
9 there to protect us, the customers. And from the
10 time of this mass failure until now, I haven't
11 felt very well-protected by any entities, and I
12 have doubts in those entities.

13 Like, you know, I said, I
14 submitted an e-mail and I'm sure people have
15 questions about outages, and I'll be more than
16 happy to respond because I have a total --

17 CHAIR MITCHELL: All right.

18 A Since I started tracking -- I'm sorry. Since I
19 started tracking the first of January, all the
20 way of my last outage, was 12/9/2021. It's a
21 total of 57 days without service. And I did have
22 to make it plain, via Sandler, for damage which
23 they had paid from sewer backups into my house,
24 and I am thankful for that.

1 CHAIR MITCHELL: Thank you very much for
2 your testimony, Mr. Lickfield (sic). Let me check in
3 with counsel for the Public Staff. Mr. Lickfield
4 referenced an exhibit that he'd like into --

5 THE WITNESS: It's spelled f-e-l-d.

6 CHAIR MITCHELL: Like Feld?

7 THE WITNESS: Yes.

8 CHAIR MITCHELL: My apologies, sir.
9 Mr. Lickfeld has an exhibit he'd like introduced into
10 the record, Ms. Holt, and so here's what I'd like for
11 you to do. If you would, please file that exhibit
12 following this hearing this afternoon. Label or mark
13 for identification purposes that exhibit as Public
14 Witness Lickfeld Exhibit 1 and we'll include that in
15 the record of this hearing.

16 (WHEREUPON, Public Witness
17 Lickfeld Exhibit 1, was marked
18 for identification and received
19 into evidence.)

20 CHAIR MITCHELL: All right. Let me check in
21 with counsel for the parties to see if there are
22 questions for the witness.

23 MR. FINLEY: No questions from CWS, Chair
24 Mitchell.

1 CHAIR MITCHELL: Thank you, Mr. Finley.
2 Ms. Kemerait.

3 MS. KEMERAIT: No questions from Sandler
4 Utilities.

5 CHAIR MITCHELL: Ms. Holt.

6 MS. HOLT: Thank you. And Chair Mitchell, I
7 have sent a copy of Mr. Lickfeld's statement to
8 counsel.

9 CHAIR MITCHELL: Okay. Thank you, ma'am.

10 BY MS. HOLT:

11 Q Mr. Lickfeld, how long have you been a resident
12 of the subdivision?

13 A 20 years. We were the original owners. I bought
14 my house in 2002.

15 Q And did you have problems of this magnitude prior
16 to recently and prior to Envirolink taking over?

17 A Yes. The first one was in 2003 with Hurricane
18 Isabel because I learned we had raw sewage backup
19 into our master bathtub downstairs, because I
20 learned the plant, at that time, did not have an
21 operational backup generator because we were
22 without power from on a Thursday.

23 And I believe power came back on
24 either late Monday or early Tuesday the following

1 week, so we were without power several days and
2 have had several large rain events over the time.

3 Now, I didn't track over that
4 period of time how many outages we've had. Like
5 I said, the next major issue I had was in year
6 2010 or 2011 when I couldn't flush the toilet.
7 And when I went outside, the pit in the yard had
8 collapsed into the ground. It sunk down three or
9 four feet. And, like I said, I called
10 Enviro-Tech and Sandler, at that time, and they
11 told me they didn't have any money to fix it.
12 And I said, "Well, that's crazy. I pay my bills
13 on time," and so they ended up hanging up the
14 phone on me.

15 So I had called DEQ and David May
16 and Allen Clark, who is retired now, responded to
17 my house the next business day and took pictures
18 with them, with Sandler on the phone and said,
19 "You need to fix this or face fines." And they
20 were out there that afternoon, you know, with
21 equipment starting to fix the problem, but it
22 should not take that to get some things fixed.

23 You know, I have brought up issues
24 with Envirolink, and they had responded to all

1 the issues that I had brought up and to try to
2 make things better. You know, you can ask but,
3 you know, he approached the Board, our HOA Board,
4 to establish communication for the neighborhood.
5 And that communication broke down from the Board,
6 not from him, so that was a Board issue that
7 caused that problem.

8 And I did -- like I said, I did
9 track all the outages and whatever the issue that
10 was told or e-mailed out is what I checked or
11 what I created on my chart. Like I said, I've
12 also e-mailed several pictures. And, you know,
13 we should not have to live like this. In
14 November of '21, we had a 42 percent failure
15 rate.

16 And, again, I do not blame
17 Envirolink for this. I blame Sandler and
18 Enviro-Tech for not maintaining that system since
19 its inception because even the state-generated
20 reports in 2015 state that the plant and the
21 system are subpar at best, which means that
22 should have been on their radar and more due
23 diligence from the State.

24 They should have been more

1 involved because they knew the plant was in such
2 bad shape and the system is in such bad shape,
3 and that was why, you know, I filed the
4 complaints with the Attorney General's office
5 against both parties.

6 Q Did -- you state you don't blame Envirolink. Did
7 anything improve when Envirolink took over?

8 A Can you repeat that? I could barely hear you.

9 Q Did service quality improve, in your opinion,
10 after Envirolink took over?

11 A Yes, and they had the utmost ultimate task of
12 bringing a system back online that was not
13 maintained since its inception, so I think yes, I
14 think they are way better than Enviro-Tech ever
15 was. I know it's a huge feat to overcome,
16 especially when, you know, talking with various
17 technicians.

18 They would come up with ideas and
19 flip them up the chain. And, you know, we're
20 being told that Sandler wasn't going to pay for
21 anything, and it didn't -- you know, it didn't
22 come to fruition as more stuff is being added
23 because of the recent court proceedings forcing
24 them to do so.

1 Q Okay. You stated that there was a problem with
2 communications from the Homeowner's Association
3 sign. What did you mean by that?

4 A A. Initially, they were putting out e-mails and
5 when the big failure went out, and then the
6 e-mails just abruptly stopped. And when I
7 questioned the Board about it, our president, he
8 said that they could not get involved with a
9 private sewer company, and that he was sending
10 the e-mails as a resident.

11 Well, when I went back and
12 checked, every single one of the e-mails for
13 alerts that he had sent out was from his BOD
14 address. Every time he was on the news or at a
15 Currituck County Commissioner meeting, he
16 addressed himself as the president of the HOA,
17 not resident of the HOA, and it was also told to
18 me that Mr. Myers had a communication, was
19 initially established via the Board, and the
20 communication just broke down from the Board.
21 They just stopped sending things out, and I don't
22 know why.

23 Q Was --

24 A As a matter of fact, I didn't learn about the

1 petition results until today that still, there's
2 nothing posted on our community website. We
3 received no e-mails for what the petition results
4 were.

5 Q Did you receive any notices directly from
6 Envirolink?

7 A From Envirolink?

8 Q Yes, notices outages?

9 A Yeah. They -- I can't remember when the e-mail
10 started, but it's been a while that we do receive
11 e-mails. In the beginning, they were kind of
12 confusing because they were using a color-coded
13 map in which I just simply asked, you know, if
14 you want me to conserve water, let me know to
15 conserve water, which means, you know, not
16 flushing, not sending any gray water down there
17 whatsoever.

18 I have had to learn and find ways
19 to survive to do that, and it's not pleasant.
20 You know, having to defecate in a bag and having
21 to bail bathtubs is not a way to live. And if we
22 were inmates in a correctional facility having to
23 live like this, it would be a clearcut violation
24 of our civil rights, and it should be no

1 different for us.

2 But, yes, I've received numerous
3 communications. I highly depend on those
4 e-mails, especially when I know it's going to
5 rain because of when the system get inundated
6 with water due to pit failures and water
7 intrusion, so I definitely keep an eye on the
8 e-mails and check them on a regular basis
9 throughout the day.

10 And in the beginning, it's kind of
11 funny because people complained that they weren't
12 receiving information from Envirolink. And at
13 the meeting in December, that was one of the big
14 complaints. And then somebody brought up the
15 fact that now we're receiving sometimes three or
16 four e-mails a day with updates in what's been
17 occurring, and they're complaining about getting
18 too much.

19 So, you know, I don't care if I
20 get 50 e-mails a day as to what the problems are,
21 what they're bringing. I'd rather know. Having
22 more information is better than having no
23 information. So I think, you know, they've done
24 an outstanding job communicating to us directly

1 and not going through the Board.

2 Q Okay. Let me backtrack a moment. Did you
3 experience similar outage durations when --
4 before Envirolink became the operator?

5 A Yes. I did not track them, and it was largely,
6 you know, heavy impact rains or storms or
7 Nor'Easters type of events. But I did not track
8 them myself, you know, specifically dates because
9 at that time, I didn't think it was necessary
10 because a big failure hadn't happened yet.

11 And, you know, I was assuming that
12 people were doing their jobs, regulators and the
13 states were keeping an eye on these things. You
14 shouldn't have to, you know, think about that
15 stuff because it's already there. That's their
16 job. But, yes, I did have impacts and sewage
17 backups from 2003 up until I personally started
18 tracking, and until, you know -- and the large
19 scale outage.

20 I also -- I had to go back and
21 look. I can't remember what year it was exactly.
22 I actually had a backflow valve installed on my
23 house, and it works to the point where you have
24 to know the system is down because it prevents

1 anything coming back into your house, any backups
2 in your house. It'll go out the candy cane into
3 the yard, and one of the pictures that I sent in
4 was from November. I had spent a day pinging a
5 room.

6 And if you look at one of the
7 pictures I had sent in, you can see the white
8 water on the ground outside of my candy cane.
9 All of that came out as a result of me cleaning
10 my paint brushes and paint trays, excuse me, and
11 not knowing the system was down.

12 I didn't know the system was down,
13 at that time. Otherwise, I wouldn't have done
14 all of that, but if you don't know the system is
15 down and you send any kind of wastewater down
16 there, you risk the chance of it coming back into
17 your house, because the first time I experienced
18 that, Enviro-Tech was still operating that and my
19 wife was upstairs taking a bath.

20 I was downstairs using the toilet.
21 And as soon as I flushed, I knew it was bad
22 because the toilet just froze. And before I
23 could get the words out "Don't" to her, to yell
24 upstairs "Don't release the tub," she had already

1 released the tub.

2 And it'll push out some of the
3 water, but since it's not pressurized from the
4 house, it gets to a certain point and then it
5 comes back, so then you will experience backups
6 into your home, mainly underneath your toilet.

7 Because I had testified at the
8 2015 hearing and I know my house did not have a
9 backflow valve. And one of the owners of
10 Enviro-Tech testified that he was there, present
11 when every single house had a backflow valve
12 installed, when it was under construction, which
13 I know it was not true because mine did not have
14 one. I had one, you know, a separate one
15 installed. And, like I said, it works to the
16 point where you have to know the system is down.

17 Q Right.

18 A Because one of the last experiences I had was
19 December 8th and 9th. I sent in photos as well
20 and I got a warning. When I laid back down after
21 doing -- feeding my cats, both the toilets in the
22 downstairs bathroom started gurgling really bad.
23 And when I went outside, the candy cane that I
24 have, it's not a full candy cane.

1 And I can pull the top part off of
2 it so I can look down and see the backflow by
3 itself and clean out if there's any obstruction.
4 And when I pulled that candy cane top part off,
5 it exploded like a volcano, because my neighbor
6 had used the bathroom and was taking a shower.

7 He had a ton of backups in his
8 house because we're tied to the same pit, and I
9 didn't have any in my house. It all was in my
10 yard and in his house, so the backflow valve
11 worked because I had not yet taken a shower or
12 flushed any toilets or anything.

13 And that's another thing. If
14 Currituck Water and Sewer decide to do a vacuum
15 upgrade or a step system or a low pressure
16 system, I do not want to share a tank with
17 another resident, and I think the tank should be
18 a maximum size per state code, per resident, so
19 if the system does go down, we have storage,
20 because right now, we have 40 to 45 gallons
21 between two houses, and the average load of
22 laundry is like 30 gallons.

23 Q Um --

24 A I don't know if that answered your question.

1 Q Now, in 2015, that event you just described, was
2 that during an extreme weather event, like in
3 2003, if you recall?

4 A Well 2003 was a main hurricane.

5 Q Right.

6 A But we've -- I've had events just from heavy rain
7 storm between 2003 up until 2020. It doesn't
8 have to be a main storm because this area here,
9 we either get no rain or we get a ton of rain.

10 Q Sure. So --

11 A And as a matter of fact -- I'm sorry, but if you
12 look real quick, if you look at my impact chart,
13 you can see during the months of July and August,
14 we didn't have -- the month of July, I didn't
15 have any issues because we didn't have any rain
16 for three and a half weeks, and it was wonderful.

17 Q But prior to August, 2020, the problems were
18 related to the weather, would you say?

19 A Yes. Mainly from my end, yes. With heavy rains
20 or like a Nor'Easter or hurricanes, yes.

21 Q Okay.

22 A Or just heavy rain storm, period.

23 Q Okay. Thank you.

24 MS. HOLT: I think that's all I have.

1 THE WITNESS: Okay.

2 CHAIR MITCHELL: Let me check in to see if
3 there are any questions for Mr. Lickfeld from the
4 Commissioners. Commissioners, questions for this
5 witness?

6 (No response)

7 CHAIR MITCHELL: Sir, I think you are off
8 the hook. No questions from Commissioners, so we
9 appreciate your testimony this afternoon and for
10 appearing at the hearing. Thank you very much, sir.

11 THE WITNESS: Thank you.

12 CHAIR MITCHELL: Mr. McCoy, unmute the next
13 witness, please.

14 MS. GREEN: Hi. Can you hear me?

15 CHAIR MITCHELL: We can. Would you please
16 state your name.

17 MS. GREEN: Sure. My name is Tammy Green,
18 spelled just like the color.

19 TAMMY GREEN;
20 having been duly affirmed,
21 testified as follows:

22 CHAIR MITCHELL: Ms. Holt, you may take over
23 please, ma'am.

24 DIRECT-EXAMINATION BY MS. HOLT:

1 Q Good afternoon, Ms. Green. Would you please
2 state your name and address, for the record.

3 A Sure. My name is Tammy Green. My address is 186
4 Greenview Road in Moyock, North Carolina.

5 Q And are you a customer of Sandler Utilities?

6 A Yes.

7 Q Okay. Please proceed with your statement.

8 A First of all, thank you so much for the
9 opportunity to speak today. My family moved to
10 Eagle Creek in April of 2014. And for the most
11 part, we really do love our neighborhood.

12 As I'm sure you're aware, and like
13 most of my neighbors, there were some concerns
14 with our system. However, we did not actually
15 experience any major, like catastrophic events
16 with days of outages until September of 2020.
17 Since then, there have been significant outages
18 heavily impacting our daily lives.

19 Although we don't have an exact
20 number or verified number by Sandler and
21 Envirolink of the days the system was down, I
22 personally counted until November 3rd of 2021 and
23 counted a number of 69 days that we were on out-
24 service from September, 2020 to November, 2021.

1 As a mother, I can tell you that
2 it pains me every day because my three children,
3 who constantly ask, "Mom, can we shower? Can we
4 do laundry? Can we flush the toilet?" At 10,12
5 14, in America, this should not be a concern for
6 them. However, here we are.

7 We find ourselves at the mercy of
8 essentially three companies that leave my family
9 taking turns showering, taking our laundry into
10 another state, to a laundromat to wash for a
11 family of five, washing dishes in the backyard or
12 even just eating out to avoid having dirty dishes
13 at all.

14 The mere fact that I have to check
15 an e-mail or Facebook daily, sometimes multiple
16 times a day to ensure that we can use our system
17 is actually kind of ridiculous.

18 And as we -- you've heard from
19 other of my members of our community, the trust
20 between our community Sandler, Envirolink, and
21 Mike Myers is broken. There has been times we've
22 been told that we really don't have a choice and
23 that they are going to put in whatever system
24 they see to be fit. That gives us no reassurance

1 that this will not impact our daily lives, our
2 property, and ultimately, the value of our homes.

3 We don't even know how long the
4 system will take to be installed. When the force
5 main was installed outside our neighborhood from
6 the Fost development, with minimal obstacles, our
7 community lost internet several times as well as
8 power, not to mention the water pipe that flooded
9 the ditches that they had. I have little to no
10 faith that within an established community, that
11 the results will be better.

12 With many in our community,
13 including myself who work from home, this poses a
14 significant impact to working and providing for
15 my family. And, yet again, when it comes to
16 communication, it wasn't until the December 20th
17 hearing in Elizabeth City that communication from
18 Envirolink was even improved.

19 I cannot speak for anyone else,
20 but I can say that for my family, this thwarted
21 attempt at transparency appears almost
22 superficial, and statements are made such as
23 frozen valves and mechanical errors are provided
24 as to reasoning for the system outages. The

1 e-mails sent make it appear that the system is
2 pretty much functioning at its normal baseline.

3 There's been no transparency as to
4 what this shiny new system will cost us, and my
5 conversations with Commissioners and attending
6 the meetings with Envirolink itself, there have
7 been no consistent estimated cost to the
8 community.

9 Although it's my understanding
10 that Mike Myers and CWS will not be asking for a
11 rate increase for the initial sale of the system,
12 it has been stated that the rate increase will be
13 requested after the installation has been
14 completed. However, we don't know what that
15 looks like. We've been given numbers of \$15 a
16 month to \$150 a month.

17 Again, there's no consistency or
18 transparency. It is well understood that our
19 system requires repair, however to say that a
20 multi-million dollar replacement with gravity is
21 that it has high probability of impacting our
22 daily lives during an installation. And,
23 essentially, the resale of our homes on a
24 potentially significant financial cost or a step

1 system that will then increase our electric bill,
2 a far better option than simply replacing and
3 upgrading our current system, feels flawed.

4 We've even heard from
5 representatives from FloVac who insinuated the
6 system hasn't failed and can be brought up to a
7 functioning level with minimal impact to our
8 monthly bills in our daily lives. We, of the
9 community, have already seen a rate increase in
10 2015 of 15 percent that provided no return on
11 investment, and in my perspective, broken neglect
12 of the system.

13 In conjunction with many of my
14 neighbors, we created, as you heard from Rhonda,
15 two petitions and collected signatures showing
16 where our community stands when it comes to
17 upgrading or replacing the system. We did
18 attempt to remain unbiased and nonjudgmental and
19 made ourselves readily available when we obtained
20 the 247 signatures, which is 58 percent of the
21 community, and it indicates that we are more in
22 favor of upgrading our current system instead of
23 having a new system forced upon us.

24 Our community is aware that

1 something needs to happen. However, many of the
2 people I personally spoke to showed concern with
3 the lack of trust, a lack of communication, the
4 increased cost of the system, and the major
5 concerns of our homes being in jeopardy and our
6 daily lives impacted if a gravity system was
7 installed.

8 Many, including myself, also feel
9 that we're pretty much being held hostage between
10 Sandler, and Envirolink, and Currituck Water and
11 Sewer. Contrary to what we've been told, we do
12 have a voice, and we do really want to be heard.
13 These are our homes, our lives, and our
14 investments we have made.

15 When we moved here, we chose to
16 live here instead of Virginia Beach where my
17 husband is stationed at NAS Oceana. We moved
18 here for the schools and the community. I would
19 have never thought that we would be this close to
20 my husband's retirement worried about the eight
21 plus years of investment we had made in our home
22 currently and wondering if we're even going to be
23 able to sell it.

24 I implore you, please look past

1 the potential generator revenue. Look past the
2 newly-established company looking to buy our
3 system and see the 400-plus families who have
4 made the biggest investment potentially in their
5 lives and our community, and look at the
6 suffering that we've had to cope with since
7 September of 2020.

8 North Carolina is better than
9 this. Moyock is better than this, and Eagle
10 Creek is better than this. Our faith in your
11 hands, and we just ask that you hear our voice
12 when making this decision, and please put some
13 sort of regulations in that would prevent any
14 other families or communities from having to
15 endure that. Thank you for letting me speak.

16 CHAIR MITCHELL: All right. Thank you,
17 Ms. Green. Questions for Ms. Green from counsel.
18 Mr. Finley?

19 MR. FINLEY: I have no questions of
20 Ms. Green. Thank you.

21 CHAIR MITCHELL: Ms. Kemerait?

22 MS. KEMERAIT: No questions from Sandler.

23 CHAIR MITCHELL: Ms. Holt.

24 MS. HOLT: I have no questions.

1 CHAIR MITCHELL: Ms. Green, I do have a few
2 questions for you, and then I'll check in with my
3 colleagues to see if they any have questions for you.

4 THE WITNESS: Sure.

5 CHAIR MITCHELL: Thank you for your
6 testimony today.

7 EXAMINATION BY CHAIR MITCHELL:

8 Q I believe I heard you say that you communicated
9 with Commissioners. Did I hear that correctly?

10 A Correct.

11 Q And were those utility Commissioners?

12 A No, no, they were county Commissioners.

13 Q County Commissioners.

14 A I spoke with the -- physically -- oh, my gosh. I
15 forgot his name. Ethridge, Commissioner
16 Ethridge. I spoke with him over the phone.

17 Q All right. Thank you for that clarification.
18 Additionally, just -- you've probably said this
19 and maybe said it repeatedly throughout the
20 course of your testimony, but say it one more
21 time for my benefit. What is it that you want
22 us -- what action do you want us, the Commission,
23 to take?

24 A So it was really, really outlined in the

1 petition. I really do believe that our system
2 can be -- current system can be brought up to
3 par. I think with proper oversight, with proper
4 implementation of guidelines, with having AirVac,
5 the company who they came and spoke with us and
6 said hey, we know what we're doing here, we do
7 new systems all the time, having them actually
8 come in and manage the system, as they said that
9 they will do, may very well benefit us as opposed
10 to ripping up our entire neighborhood of trying
11 to put in a new system that may or may not work.
12 We don't even know if it's going to work.

13 At the last meeting, it was
14 insinuated that they weren't even sure with the
15 peak levels and things like that, it wasn't a
16 positive that they would even be able to install
17 the system without expensive dewatering, and that
18 is a huge concern for us.

19 Q Okay. Thank you, Ms. Green, for that additional
20 explanation. One more question I have for you.
21 With respect to the pending application to
22 transfer ownership of the system to Currituck, do
23 you have an opinion on that request that's being
24 made of us?

1 A I don't think I really have much of an option to
2 have an opinion on it. I feel like it's going to
3 happen regardless. It is literally the only
4 option that has presented itself, so I feel like
5 it's going to happen regardless of what our
6 opinions are of the matter.

7 I would just, you know, request
8 that we not have to -- kind of like Gary said,
9 that we don't have to pay for a system that we've
10 already been paying for for years and sustain the
11 rate increase for -- yet again to bring it up to
12 working code --

13 Q Okay.

14 A -- that it hasn't been for years.

15 CHAIR MITCHELL: Thank you, Ms. Green. Let
16 me check in with my colleagues to see if --
17 Commissioners, any questions, any additional questions
18 for this witness?

19 (No response)

20 CHAIR MITCHELL: All right, Ms. Green.
21 You're off the hook for this afternoon. Thank you
22 very much for your testimony.

23 THE WITNESS: Thank you.

24 CHAIR MITCHELL: We appreciate you being

1 here. Mr. McCoy, can you unmute the next
2 witness please, sir.

3 (No response)

4 CHAIR MITCHELL: Do we have a witness on the
5 line?

6 (No response)

7 CHAIR MITCHELL: Mr. McCoy, are you able
8 to hear, connect with that witness?

9 MR. McCOY: Sure. I've tried unmuting and
10 unmuting a bunch of times. There's no response.

11 CHAIR MITCHELL: Okay.

12 MR. McCOY: This is the last person.

13 CHAIR MITCHELL: Okay. Let's try one more
14 time.

15 MR. McCOY: Sure.

16 (No response)

17 CHAIR MITCHELL: Ms. Holt, do you know the
18 name of the witness?

19 MS. HOLT: I believe his name is Kevin
20 Wetzel.

21 CHAIR MITCHELL: Mr. Wetzel, can you hear
22 me? If you are still connected by way of phone,
23 please speak up.

24 (No response)

1 CHAIR MITCHELL: All right, Mr. Wetzel, one
2 last opportunity. If you can hear me, please speak
3 up.

4 (No response)

5 CHAIR MITCHELL: Mr. McCoy, I'm going to
6 assume that he is unable to participate.

7 MR. McCOY: I've unmuted and unmuted
8 multiple times.

9 CHAIR MITCHELL: Okay. Mr. McCoy, let me
10 check in with you just to confirm that there are no
11 additional witnesses to participate this afternoon?

12 MR. McCOY: They are none.


13 CHAIR MITCHELL: Okay. Thank you. sir.
14 With that, we've come to the end of our hearing this
15 afternoon. We'll resume the hearing at 6:30 this
16 evening. So we'll go off the record now and we'll
17 come back on at 6:30. Thank you very much, everybody.

18 (The proceedings were adjourned)
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C E R T I F I C A T E

I, TONJA VINES, DO HEREBY CERTIFY that the proceedings in the above-captioned matter were taken before me, that I did report in stenographic shorthand the Proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.



Tonja Vines