

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-218, SUB 551

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Aqua North Carolina, Inc.,	)	ORDER CANCELING PUBLIC
for Transfer of Water Utility System	)	WITNESS AND EXPERT
Serving Northgate Subdivision in	)	WITNESS HEARINGS AND
Wake County, North Carolina to the Town	)	REQUIRING CUSTOMER
of Fuquay-Varina via Lear Corporation,	)	NOTICE
Owner Exempt from Regulation	)	

BY THE PRESIDING COMMISSIONER: On October 6, 2021, Aqua North Carolina, Inc. (Aqua) filed an application seeking to transfer the water utility system serving the Northgate Subdivision in Wake County, North Carolina to the Town of Fuquay-Varina via Lear Corporation, Owner Exempt from Regulation (Application) in accordance with N.C. Gen. Stat. § 62-111.

On August 16, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). Among other things, the Scheduling Order established deadlines for the filing of testimony and set this matter for a public witness hearing on October 10, 2023, and an expert witness hearing on October 16, 2023. The Scheduling Order stated that the public witness hearing is subject to cancellation if no significant protests were received from customers by October 3, 2023. In addition, the Scheduling Order directed Aqua and the Public Staff (collectively, the Parties) to develop a Notice to Customers (Notice) to be delivered to all affected customers.

On September 6, 2023, Aqua filed its Certificate of Service verifying that the Notice was mailed to all affected customers.

On September 8, 2023, the Parties filed a Settlement Agreement and Stipulation to Allow Recovery of Loss on Sale (Stipulation). The Parties stated that the Stipulation resolves all issues between them, provided that agreement can be reached on closing and abandonment costs allowable for recovery beyond the loss on sale amount that is agreed upon in the Stipulation.

On September 12, 2023, the Parties filed a Joint Motion to Excuse Witnesses from Prefiling Testimony. In support of the motion, the Parties stated that because the Parties have settled all known differences at this time and provided a procedure to update the closing and abandonment costs at a later date, Aqua and the Public Staff have no issues between them that need to be resolved through the presentation of prefiling expert witness

testimony. The Parties further stated that the Public Staff would present this matter on the agenda for a regular Staff Conference in lieu of hearing if no issues were raised by customers.

On September 14, 2023, the Commission issued an Order Excusing Prefiled Testimony.

Subsequently, on October 5, 2023, the Parties filed a Joint Motion to Cancel Public and Expert Witness Hearings. In support of the motion, the Parties state that, to date, no consumer statements of position have been filed in this docket. Further, Aqua represented to the Public Staff that it is not aware of any customer protests or comments made in connection with this matter.

Based on the foregoing and the entire record, the Presiding Commissioner finds that the public and expert witness hearings scheduled in this proceeding should be canceled and notice to customers of the cancellation should be required.

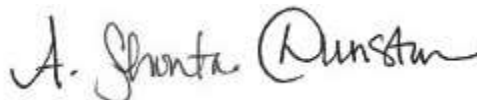
IT IS, THEREFORE, ORDERED as follows:

1. That the public witness hearing scheduled for 7:00 p.m. on Tuesday, October 10, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina is hereby canceled;
2. That the expert witness hearing scheduled for 1:00 p.m., on Monday, October 16, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina is hereby canceled; and
3. That Aqua shall provide a copy of this Order to all affected customers no later than October 9, 2023, and Aqua shall submit to the Commission the attached Certificate of Service, properly signed and notarized, no later than noon on October 10, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 6th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

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 No. W-218, Sub 551, 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 No. W-218, Sub 551.

Witness my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

(SEAL) My Commission Expires:

\_\_\_\_\_  
Date