

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,)	
North Carolina 27915,)	
Complainant)	NOTICE OF APPEARANCE
)	
v.)	
)	
Outer Banks/Kinnakeet Associates, LLC,)	
Respondent)	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 1-7(a)(5) of the Rules of Practice and Procedure before the North Carolina Utilities Commission (the “Commission” or “NCUC”), the Outer Banks/Kinnakeet Associates, LLC (“OBKA”), Respondent in the above captioned-action, respectfully moves the Commission for a seven (7) day extension of time or to and including July 14, 2002, in which to file responsive pleadings to the allegations in paragraphs 8, 9, 10, 13, 15, and 18 of the Complainant’s complaint, and a 49-day extension of time, to and through September 9, 2022, in which to appear and present testimony at the show cause and expert witness hearing currently set for July 22, 2022. In support of this motion, Respondent states as follows.

1. This matter involves a complaint filed by a homeowner’s association and certain property owners alleging operational deficiencies with a wastewater treatment plant serving the area where they own property or represent persons that do. According to the Complainant, these deficiencies have resulted in the North Carolina Division of Water Resources (“DWR”) placing a

moratorium on the treatment plant that prevents it from taking on new customers and accounts. Complainants are the local homeowner's association for persons within Respondent's service area and individual owners of property within that service area who allege in substantial part, that they have been unable to pursue plans to develop their property due to the moratorium.

2. The matter has been pending for approximately one year and at this stage there are an abundance of records and filings that need inspection and consideration at the NCUC and at DWR's regional offices in Washington, NC. Evaluating the case, and preparing evidence and expert testimony that will be of use to the Commission, on the status quo as well as realistic prospects, will require a thorough evaluation of these records and perhaps more significantly, a thorough understanding of the intricate interrelated rules and regulations implicated in this matter. The case is further complicated and compounded in that the action raises issues related to the administration of two programs at two separate state agencies and while these programs are related in a very general sense, the technical standards, rules and regulations, operational memorandum, notices and precedent are not at all related. It will take a substantial effort and a significant amount of time to become familiar with the history of the issues, the governing rules and regulations, precedent and all related matters to prepare and present evidence that will allow the Commission to make a thorough and informed decision.

3. In addition to the complexity of the matter at hand, counsel for the Respondent also represents clients involved in other matters before the Commission including Docket No. E-100, Sub 179, Duke Energy's Carbon Plan and Docket No. E-100, Sub 161, Rules Related to Electric Customer Billing, both of which have major filings due in July, near or at the same time as the current schedule in this matter, and is also currently involved in a matter in the State of Virginia that conflicts with the current schedule. Counsel also is involved in other matters before

the Commission that, while not immediately in play, may become very active pending a ruling or additional filing.

4. It is also worthy to note that a large number of parties have intervened in this matter, and each has individual assertions or claims not specified in the Compliant. While these individual complaints no doubt have common threads, it will be necessary to evaluate each separately to assure that all assertions, and particularly any unique allegations, are addressed in the evidentiary process planned for this case. This will involve more than merely reading each intervenor's statements, but will also require a time-consuming evaluation of their claims and the facts and assertions of law they implicate. A lack of thoroughness will not benefit anyone and perhaps affect the Commission's decisions.

5. Counsel does not seek a substantial delay but submits that the quality of matters, including the response to allegations in the Compliant and the presentation of testimony, expert or otherwise, will be greatly advanced and enhanced by allowing additional time to evaluate, understand and sort out the issues that will be presented to the Commission.

6. Counsel has informed counsel for Complainants via email of the desire for additional time and to ascertain if they would consent to this motion, but to date, has not heard back for them.

WHEREFORE, for the reasons stated above, Respondent respectfully requests and extension seven (7) days to answer the Complainant's allegations in paragraphs 8, 9, 10, 13, 15, and 18 of the its complaint to and through July 15, 2022, and a 49-day extension of time, to and through September 9, 2022 in which to appear and present testimony at the show cause and expert witness hearing currently set for this docket.

Respectfully submitted this the 6th day of July 2022.

/s/ Kurt J. Olson

Kurt J. Olson, Esq.
State Bar No. 22657
P.O. Box 10031
Raleigh, NC 27612
(919) 916-7221
kurt.j.olson@gmail.com

OFFICIAL COPY

Jul 06 2022

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing by first class mail deposited in the U.S. mail, postage pre-paid or by email transmission with the party's consent.

Respectfully submitted this the 6th day of July 2022.

/s/ Kurt J. Olson
Kurt J. Olson, Esq.
State Bar No. 22657
P.O. Box 10031
Raleigh, NC 27612
(919) 916-7221
kurt.j.olson@gmail.com

OFFICIAL COPY

JUL 06 2022