

DOCKET NO. W-1320, SUB 0
DOCKET NO. W-1300, SUB 55
DOCKET NO. W-1320, SUB 2
DOCKET NO. W-661, SUB 9

DOCKET NO. W-1320, SUB 0
DOCKET NO. W-1300, SUB 55

In the Matter of
Application by ONSWC - Chatham
North, LLC, 4700 Homewood Court,
Suite 108, Raleigh, North Carolina
27609, and Old North State Water
Company, LLC, 4700 Homewood Court,
Suite 108, Raleigh, North Carolina
27609, for Authority to Transfer the Briar
Chapel Subdivision Wastewater System
and Franchise in Chatham County,
North Carolina, and Approval of Rates

DOCKET NO. W-1320, SUB 2
DOCKET NO. W-661, SUB 9

In the Matter of
Application by ONSWC - Chatham
North, LLC, 4700 Homewood Court,
Suite 108, Raleigh, North Carolina
27609, and Fitch Creations, Inc., d/b/a
Farrington Utilities, 2000 Farrington
Village Center, Pittsboro, North Carolina
27312, for Authority to Transfer the
Farrington Village Wastewater System
and Franchise in Chatham County, North
Carolina, and Approval of Rates

BY THE PRESIDING COMMISSIONER: On March 14, 2019, in Docket Nos. W-1320, Sub 0 and W-1300, Sub 55, ONSWC - Chatham North, LLC (Chatham North), and Old North State Water Company, LLC (Old North State), filed an application seeking authority to transfer to Chatham North, an affiliate of Old North State, the Briar Chapel Subdivision wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On August 5, 2019, in Docket Nos. W-1320, Sub 2 and W-661, Sub 9, Chatham North and Fitch Creations, Inc., d/b/a Fearrington Utilities (FCI) filed an application seeking authority to transfer to Chatham North, the Fearrington Village wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On October 14, 2019, the Commission issued an Order that, among other things, scheduled a public hearing in Pittsboro on Tuesday, January 14, 2020, solely for the purpose of receiving testimony from the Briar Chapel and Fearrington Village customers. In that Order, the Commission further scheduled a hearing in Raleigh on Wednesday, January 22, 2020, solely for the purpose of receiving expert witness testimony from Chatham North, Old North State, FCI, the Public Staff, and any other intervenors.

Following the customer hearing the Commission issued an Order on January 21, 2020, at the request of the Public Staff cancelling the January 22, 2020 expert witness hearing to allow for further investigation by the Public Staff and other intervenors.

On February 26, 2020, the Commission issued an Order rescheduling the expert witness hearing for June 16, 2020 and establishing the following deadlines for the filing of supplemental testimony by the parties: May 1, 2020 for the filing of supplemental direct expert witness testimony by Chatham North, Old North State, and FCI; May 15, 2020 for the filing of supplemental direct expert witness testimony by the Public Staff and intervenors, if any; and May 29, 2020 for the filing of supplemental rebuttal expert witness testimony by Chatham North, Old North State, and FCI.

On April 13, 2020, the Commission issued Orders allowing StopChathamNorth, an unincorporated nonprofit association, and Briar Chapel Community Association, a nonprofit corporation organized under Chapters 55 and 47F of the General Statutes, to intervene in this proceeding.

On May 1, 2020, Chatham North filed supplemental direct testimony of its witnesses Lee Bowman, John McDonald, and Mike Myers.

On May 13, 2020, the Public Staff filed a motion requesting that the Commission reschedule the June 16, 2020 evidentiary hearing to an unspecified date in September that is available on the Commission's calendar to allow the Public Staff and intervenors time to further investigate and prepare testimony on issues in this case and to provide Chatham North and Old North State an opportunity to further develop and implement procedures and operational modifications to resolve customer service issues. In support of its request, the Public Staff states that it has been in contact with the North Carolina Department of Environmental Quality (DEQ) to obtain information on the permitting and compliance issues relevant in this case and that DEQ needs additional time to respond. The Public Staff further states that the information expected to be included in DEQ's response is essential to the Public Staff's evaluation of the requested transfers in this proceeding. In addition, the Public Staff states that StopChathamNorth and BCCA agree with this motion, and that Old North State, Chatham North, and FCI have stated they do not oppose it. Therefore, the Public Staff requests that the June 16, 2020 evidentiary hearing be rescheduled for a date in September and the current deadlines for filing of

testimony be revised to allow for the filing of testimony in advance of the yet-to-be-scheduled September hearing.

The Presiding Commissioner finds good cause to cancel the hearing currently scheduled for June 16, 2020 to allow for further investigation by the Public Staff and other intervenors. The Commission will reschedule the expert witness hearing in this proceeding by further order, establishing therein dates for additional testimony. Practice before the Commission includes reasonable discovery, and no order is necessary to authorize the parties to engage in further discovery between now and the rescheduled hearing.

IT IS, THEREFORE, ORDERED as follows:

1. That the hearing scheduled for Tuesday, June 16, 2020, for the purpose of receiving expert witness testimony from Chatham North, Old North State, FCI, the Public Staff, and any other intervenors shall be, and is hereby, cancelled; and

2. That the Commission will reschedule the expert witness hearing and establish appropriate deadlines for the filing of further supplemental testimony by further order issued in these dockets.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of May, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a faint, circular official stamp.

Janice H. Fulmore, Deputy Clerk