

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-938, SUB 6
DOCKET NO. W-1328, SUB 8

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Joint Application by Red Bird Utility Operating)
Company, LLC d/b/a Red Bird Water and) ORDER CANCELING PUBLIC
Baytree Waterfront Properties, Inc. for) WITNESS HEARING
Transfer of Public Utility Franchise, and for)
Approval of Rates)

BY THE PRESIDING COMMISSIONER: On October 9, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) and Baytree Waterfront Properties, Inc. (Baytree) filed an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility system and public utility franchise serving the Windemere Pointe Subdivision in Montgomery County, North Carolina from Baytree to Red Bird and for approval of rates. Red Bird filed an amendment to the Application on October 21, 2020. Baytree currently serves 26 residential customers in the Windemere Pointe Subdivision.

On September 13, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order), which among other things, set this matter for a public witness hearing on October 18, 2023. The Scheduling Order directed Red Bird and the Public Staff to develop a Notice to Customers (Notice) to be delivered to all affected customers. The Notice stated that the Commission may cancel the public witness hearing if no significant protests were received from customers by October 11, 2023.

On September 29, 2023, Red Bird filed its Certificate of Service verifying that the Notice was mailed to all affected customers.

On October 12, 2023, the Public Staff filed a Motion to Cancel Public Witness Hearing. In support of the motion, the Public Staff states that the Commission's online docket portal indicates that no customers have filed consumer statements in these dockets and the Public Staff has not received any consumer statements. In addition, the Public Staff states that it contacted all parties and is authorized to represent that Red Bird supports the motion. The Public Staff further states that Baytree did not respond.

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

IT IS, THEREFORE, ORDERED as follows:

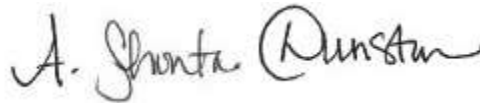
1. That the public witness hearing scheduled for 7:00 p.m. on Wednesday, October 18, 2023, in the Montgomery County Courthouse, 108 East Main Street, Troy, North Carolina is hereby canceled; and

2. That a copy of this Order shall be mailed with sufficient postage or hand delivered by Red Bird to all affected customers no later than October 16, 2023, and Red Bird shall submit to the Commission the attached Certificate of Service, properly signed and notarized, no later than October 17, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, looped initial "A" and a stylized "Dunston".

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 Canceling Public Witness Hearing issued by the North Carolina Utilities Commission in Docket Nos. W-938, Sub 6 and W-1328, Sub 8, 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 Nos. W-938, Sub 6 and W-1328, Sub 8.

Witness my hand and notarial seal, this the ____ day of _____, 2023.

Notary Public

Printed Name

(SEAL) My Commission Expires: _____
Date