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October 9, 2023

Ms. A. Shonta Dunston  
Chief Clerk  
North Carolina Utilities Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

***RE: In the Matter of Application of Old North State Water Company, Inc.  
for Authority to Adjust and Increase Rates for Water Utility Service  
in All Its Service Areas in NC  
Docket No. W-1300, Sub 60  
Verified Notice of Sole Authorized Agent and Motion for Clarification  
and Instruction***

Dear Ms. Dunston:

Attached for filing in the above referenced docket is Old North State Water Company, Inc.'s ("ONSWC" or "Company") Verified Notice of Sole Authorized Agent and Motion for Clarification and Instruction.

Thank you in advance for your assistance with this filing. If you should have any questions, please do not hesitate to contact me.

Very truly yours,

*/s/ M. Gray Styers, Jr.*

M. Gray Styers, Jr.

Attachments

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

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pbb

cc: Reita Coxton, NC Public Staff - Legal  
Jennifer Harrod, Commission Staff - Legal  
Jessica Heironimus, NC Public Staff - Legal  
Gina Holt, NC Public Staff - Legal  
Erica Jones, NC Public Staff - Legal  
Charles M. Junis, PE, NC Public Staff  
John L. McDonald, ONSWC

OFFICIAL COPY

Oct 09 2023

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. W-1300, SUB 60

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:	)	VERIFIED NOTICE OF SOLE AUTHORIZED AGENT AND MOTION FOR CLARIFICATION AND INSTRUCTION
Application by Old North State	)	
Water Company, Inc., 3212 6 <sup>th</sup>	)	
Avenue South, Suite 200,	)	
Birmingham, Alabama 35222, for	)	
Authority to Adjust and Increase	)	
Rates for Water Utility Service in All	)	
of Its Serve Areas in North Carolina	)	

NOW COMES Old North State Water Company, Inc. (“ONSWC” or “Company”) through the undersigned counsel and provides this Verified Notice that the sole authorized agent of ONSWC is John McDonald or Mr. McDonald’s designee and that the sole counsel for ONSWC in this docket is Fox Rothschild. ONSWC further requests clarification from the North Carolina Utilities Commission and appropriate instructions that the parties in this docket, and the service list to those parties, are limited to ONSWC and the Public Staff, there being no other party that intervened.<sup>1</sup>

In support of this Notice and Motion, ONSWC shows the following.

1. ONSWC is the public utility and applicant in this docket.
2. Mr. McDonald is the sole director and corporate president of ONSWC, as shown in Appendices 1 and 2 attached hereto, and filings with the North Carolina Secretary of State.

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<sup>1</sup> A designated representative of the North Carolina Department of Environmental Quality may also be included on the service list.

3. Mr. McDonald's owns one hundred percent (100%) of all outstanding stock of ONSWC.<sup>2</sup>

4. ONSWC has retained Fox Rothschild, LLP and no other firm as its counsel in this docket.

5. The Public Staff is the only other party in this docket. No party has intervened.

6. Other persons have alleged that they are representatives of ONSWC and have requested and been added to the list to receive service of documents filed in this docket.

7. The Commission has the opportunity to hear and rule on this motion at the reconvening of the hearing in this docket currently scheduled for 1:00 pm on October 9, 2023.

8. The Public Staff has communicated that it has no objection to this Notice and Hearing.

WHEREFORE, Old North State Water Company, Inc., respectfully requests that the Commission:

1. Consider this motion at the reconvening of the hearing in this docket currently scheduled for 1:00 pm on October 9, 2023.

2. Take notice that John McDonald or his designee is the only authorized agent of ONSWC in this docket;

3. Clarify that no other person is an authorized agent to participate on behalf of ONSWC before the Commission in this docket;

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<sup>2</sup> The ownership of five percent (5%) of the company is disputed and the subject of ongoing litigation.

4. Clarify that, other than ONSWC and the Public Staff, no other entity or person are parties in this proceeding; and

5. Instruct its staff, including the Clerk's office and Court Reporter's office, that no other persons are authorized to receive confidential filings, transcripts, or other documents on behalf of ONSWC in this docket other than John McDonald, Fox Rothschild attorneys, or their designees.

This the 9th day of October, 2023.

FOX ROTHSCHILD LLP

*/s/ M. Gray Styers, Jr.*

M. Gray Styers, Jr.  
North Carolina State Bar No. 16844  
Fox Rothschild, LLC  
434 Fayetteville Street  
Suite 2800  
Raleigh, North Carolina 27601  
Telephone: 919.755-8741  
gstyers@foxrothschild.com

Attorney for  
Old North State Water Company, Inc.

**VERIFICATION**

John McDonald, being duly sworn, deposes and says: that he is the President of Old North State Water Company, Inc., that he is familiar with the facts set out in the attached VERIFIED NOTICE OF SOLE AUTHORIZED AGENT AND MOTION FOR CONFIRMATION; and that the same is true to the best of his knowledge.



\_\_\_\_\_  
John McDonald

State of North Carolina  
County of Wake

Sworn to and subscribed before me this  
the 9th day of October, 2023.



Patricia B. Butler  
Notary Public

My Commission Expires: 3-10-2028

## CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing VERIFIED NOTICE OF SOLE AUTHORIZED AGENT AND MOTION FOR CONFIRMATION upon all parties of record in this proceeding by emailing the parties, or their counsel of record, an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 9<sup>th</sup> day of October, 2023.

Electronically Submitted

*/s/ M. Gray Styers, Jr.*

M. Gray Styers, Jr.





**OLD NORTH STATE WATER COMPANY, INC.**  
**RESOLUTIONS OF SOLE INCORPORATOR IN LIEU**  
**OF AN ORGANIZATIONAL MEETING**

July 11, 2022

The undersigned, being the sole incorporator of Old North State Water Company, Inc., a North Carolina corporation (the "Company"), consents to the adoption of the following resolutions:

**WHEREAS**, the by-laws for the regulation of the Company, in the form attached hereto as Exhibit A (the "By-Laws"), be, and hereby are, approved and adopted as the By-Laws of the Company;


**WHEREAS**, the sole incorporator has determined that the following persons be, and each of them hereby is, appointed to serve as directors of the Company:

John McDonald

**WHEREAS**, sole incorporator has determined that the appointment of the foregoing persons as directors of the Company is advisable and in the best interests of the Company.

**NOW, THEREFORE, BE IT RESOLVED**, that the sole incorporator approves and ratifies the adoption of the by-laws and the appointment of the foregoing persons as Directors, effective on the date written above ("Effective Date").

**IN WITNESS WHEREOF**, the undersigned has executed this consent as of the date above and, upon the execution of this consent, the undersigned incorporator hereby resigns as the incorporator of the Company.

/s/   
\_\_\_\_\_  
John McDonald  
Incorporator



**OLD NORTH STATE WATER COMPANY, INC.  
JOINT UNANIMOUS WRITTEN CONSENT OF DIRECTORS IN LIEU OF  
ORGANIZATIONAL MEETING**

July 11, 2022

The undersigned, being all of the directors (the "Board") of Old North State Water Company, Inc., a North Carolina corporation (the "Company"), acting by written consent without a meeting pursuant to Sections 55-2-05 and 55-8-21 of the North Carolina Business Corporation Act (the "BCA"), each consent to the adoption of the following resolutions and the actions taken shall have the same force and effect as if taken at a meeting of the board of directors duly held and waive any required notice in connection therewith:

**Ratification of Incorporator Actions and Acceptance of Resignation**

**RESOLVED**, that the actions of the incorporator in organizing the Corporation are hereby ratified, approved, and adopted by the Corporation.

**RESOLVED**, that the resignation of the incorporator is hereby accepted.

**Approval of Certificate of Incorporation**

**RESOLVED**, that the Articles of Incorporation of the Corporation including Articles of Conversion filed with the North Carolina Secretary of State be, and hereby are, ratified and approved; and the Secretary of the Corporation is instructed to place the same in the minute book of the Corporation.

**Election of Officers**

**RESOLVED**, that the following persons be, and each of them hereby is, elected to serve in the offices of the Company set opposite their respective names, each to hold such offices until their respective successor is duly elected and qualified or until their earlier resignation or removal

President: John McDonald

Secretary: John McDonald

**RESOLVED**, that the Secretary shall be responsible for preparing minutes of all directors' and shareholders' meetings and authenticating the corporate records.

**Adoption of Bylaws**

**RESOLVED**, that the Bylaws previously adopted by the incorporator and submitted to the Board of Directors are ratified and adopted as the Bylaws of the Corporation and the Secretary of

the Corporation is instructed to place the same or a copy thereof in the minute book of the Corporation.

**RESOLVED**, that the Secretary of the Corporation maintain a copy of the Bylaws at the principal office of the Corporation, available for inspection by the shareholders of the Corporation.

**Share Certificates**

**RESOLVED**, the Board of Directors authorizes the issue of all shares of the Corporation without certificates.

**Issuance of Shares**

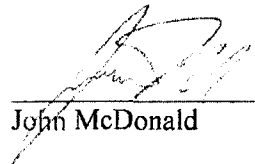
**RESOLVED**, that the Corporation is authorized to issue 10,000 shares of the Corporation's common stock, no par value, to John McDonald and that such shares, when issued pursuant to this resolution, will be validly issued, fully paid, and non-assessable shares of the Common Stock of the Company

**Further Instructions to Officers**

**RESOLVED FURTHER**, that the Board shall execute and deliver any additional forms of authorizing resolutions, ancillary agreements, and other documents as may be necessary to bring these resolutions into full effect and that the Secretary of the Company is hereby adopted and directed to file these resolutions in the minute book of the Company.

**IN WITNESS WHEREOF**, the undersigned has executed this Unanimous Written Consent of the Directors of the Company as of the date above.

**DIRECTORS:**

  
\_\_\_\_\_  
John McDonald