

Edward S. Finley, Jr., PLLC  
2024 White Oak Rd.  
Raleigh, NC 27608  
919-418-4516  
edfinley98@aol.com  
(N.C. Bar No. 6149)

April 5, 2024

Ms. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
Mail Service Center 4325  
Raleigh NC 27699 -4300

RE: Docket Nos. W-1333, Sub 5.

Dear Ms. Dunston:

Please accept for filing the following documents in the above captioned docket: Motion for an Order Establishing Time to Respond.

Thank you for your attention to this matter.

Sincerely,  
Edward S. Finley, Jr.  
Counsel for Currituck  
Water and Sewer

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing submission was duly served upon parties of record either by depositing same in a depository of the United States Postal Service, first class postage prepaid, or by electronic delivery.

This the 5<sup>th</sup> day of April 2024

Edward S. Finley, Jr.,

/s/ Edward S. Finley, Jr.

Edward S. Finley, Jr., PLLC  
2024 White Oak Rd.  
Raleigh, NC 27608  
919-418-4516  
edfinley98@aol.com

COUNSEL FOR APPLICANT

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1333, SUB 5

|  |   |   |
|--|---|---|
| In the Matter of Application by )<br>Currituck Water and Sewer, LLC )<br>for a Certificate of Public )<br>Convenience and Necessity to<br>Provide Water and Sewer Utility<br>Service in Currituck County,<br>North Carolina and Approval of<br>Rates | ) | MOTION FOR AN ORDER ESTABLISHING TIME<br>TO RESPOND |
|--|---|---|

**MOTION FOR THIRTY DAYS TO RESPOND TO MOTION TO SHOW CAUSE**

Currituck Water & Sewer, LLC (“Currituck”) respectfully requests thirty (30) days to and including April 25, 2024, to respond to the Public Staff’s Motion to Show Cause. In support thereof, Currituck states as follows:

1. On March 26, 2024, the Public Staff filed its Motion to Show Cause. In its Motion, the Public Staff seeks extreme relief including, among others, an order assessing over a million dollars in civil penalties and fines and declaring an emergency and appointing an emergency operator for the system serving the Carolina Village subdivision. The Public Staff makes 42 paragraphs of significant allegations and includes 881 pages of exhibits in support thereof.

2. The undersigned counsel from Dentons Bingham Greenebaum LLP was only recently retained by Currituck and needs additional time to review the allegations raised in the Motion, investigate same, and prepare a response.

3. Currituck submitted its application in this docket on August 16, 2023 and in the meantime has engaged in the process of responding to multiple data requests submitted by the Public Staff and the production of hundreds of pages of documents and exhibits even though

Currituck has not yet filed its direct testimony in accordance with the Commission's procedural schedule established in this docket.

4. The Public Staff Motion to Show Cause and request for an emergency operator exceeds and goes beyond any relief that is responsive to Currituck's application in this docket and raises issues of a novel and unanticipated nature.

5. The Commission's Order establishing procedures of February 14, 2024 does not address or anticipate the filing of and responses to motions such as that filed by the Public Staff on March 26, 2024.

6. The proposed timeframe to respond does not impact any other deadlines in this matter or delay the hearing set in same, and the proceedings therein should proceed without delay.

7. Currituck therefore requests thirty (30) days to respond to the Motion to Show Cause to and including April 25, 2024.

8. This Motion is not made for the purposes of delay or any improper purpose.

9. Undersigned counsel, Edward Finley, contacted counsel for the Public Staff on April 2, 2024 regarding this motion. The Public Staff did not state an objection or agreement to the proposed motion but instead indicated the Public Staffs' view that the Commission might issue an order setting a procedure and the Public Staff would prefer to have the issues in the Motion to Show Cause be addressed through testimony at a hearing. Currituck is unaware of any procedure governing the Public Staff's Motion and believes a written response will make any hearing on this matter more efficient.

WHEREFORE, Currituck Water & Sewer, LLC respectfully requests thirty days, to and including April 25, 2024, to respond to the Public Staff's Motion to Show Cause.

Respectfully submitted this the 5<sup>th</sup> day of April, 2024

/s/ Edward S. Finley, Jr.

Edward S. Finley, Jr.  
N.C. State Bar No. 6149  
2024 White Oak Rd.  
Raleigh, NC 27608-1450  
Telephone: 919.418.4516  
[Edfinley98@aol.com](mailto:Edfinley98@aol.com)

*Meaghan Klem Haller*

David T. McGimpsey  
Meaghan Klem Haller  
Dentons Bingham Greenebaum LLP  
10 West Market Street, Suite 2700  
Indianapolis, IN 46204  
Telephone: 317.635.8900  
Facsimile: 317.236.9907  
[david.mcgimpsey@dentons.com](mailto:david.mcgimpsey@dentons.com)  
[meaghan.haller@dentons.com](mailto:meaghan.haller@dentons.com)

*Counsel for Currituck Water & Sewer, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Thirty Days to Respond to Motion to Show Cause has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 5<sup>th</sup> day of April, 2024

/s/ Edward S. Finley, Jr.

Edward S. Finley, Jr.  
N.C. State Bar No. 6149  
2024 White Oak Rd.  
Raleigh, NC 27608-1450  
Telephone: 919.418.4516  
[Edfinley98@aol.com](mailto:Edfinley98@aol.com)