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DOCKET #: W-1300, sub A  $\frac{1}{2}$  W-1230, sub 1  
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APR 16 2015

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N.C. Utilities Commission

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1 PLACE: Briar Chapel Clubhouse  
2 Chapel Hill, North Carolina  
3 DATE: March 31, 2015  
4 TIME: 7:25 p.m. - 7:55 p.m.  
5 DOCKET NO: W-1300, Sub 9 and W-1230, Sub 1  
6 BEFORE: Hearing Examiner Ron Brown, Presiding  
7  
8

9 IN THE MATTER OF:

10 Application by Old North State Water Company, LLC,  
11 1620 Old Chalk Road, Wake Forest, North Carolina  
12 27587, and Briar Chapel Utilities, LLC, 16 Windy Knoll  
13 Circle, Chapel Hill, North Carolina 27516, for  
14 Authority to Transfer Sewer Franchise in Briar Chapel  
15 Subdivision in Chatham County, North Carolina, to Old  
16 North State Water Company, LLC, and for Approval of  
17 Rates.  
18  
19  
20  
21  
22  
23  
24

1 A P P E A R A N C E S:

2

3 FOR OLD NORTH STATE WATER COMPANY, LLC:

4 Laurence A. Cobb, Esq.

5 Nexsen Pruet

6 4141 Parklake Avenue

7 Suite 200

8 Raleigh, North Carolina 27612

9

10 FOR BRIAR CHAPEL UTILITIES, LLC:

11 Karen M. Kemerait, Esq.

12 Styers & Kemerait

13 1101 Haynes Street

14 Raleigh, North Carolina 27604

15

16 FOR THE USING AND CONSUMING PUBLIC:

17 William E. Grantmyre, Esq.

18 Public Staff

19 North Carolina Utilities Commission

20 4326 Mail Service Center

21 Raleigh, North Carolina 27699-4326

22

23

24

T A B L E O F C O N T E N T S:

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## P R O C E E D I N G S

EXAMINER BROWN: Good evening. Let's come to order and begin this hearing. My name is Ron Brown and I'm a Hearing Examiner with the North Carolina Utilities Commission, and I've been assigned to preside over the matter before us this evening.

The Commission calls for hearing its Docket Number W-1300, Sub 9, which is In The Matter of an Application by Old North State Water Company for Authority to Transfer the System and Franchise to Provide Sewer Utility Service in Briar Chapel Subdivision in Chatham County, North Carolina, from Briar Chapel Utilities, LLC. Old North State has not requested to change the rates currently approved from Briar Chapel.

This matter was initiated on November 7, 2014, by the filing of the Application.

On February 23rd of this year, the Commission issued an order requiring customer notice and scheduling the hearing.

On March 2nd, the Applicant filed a Certificate of Service indicating that customer notice was provided as required.

On March 25th, the Public Staff filed the

NORTH CAROLINA UTILITIES COMMISSION

1 testimony of Laura Bradley, Staff Accountant with the  
2 Water Staff Section of the Accounting Division; and  
3 the testimony of Babette McKemie, Utilities Engineer  
4 of the Water Division; and the Affidavit of Calvin  
5 Craig, Financial Analyst of the Economic Research  
6 Division of the Public Staff.

7 That brings us to date. Will the parties  
8 please announce their appearances beginning with the  
9 Public Staff?

10 MR. GRANTMYRE: Mr. Hearing Examiner, my  
11 name is William Grantmyre. I'm a Staff Attorney with  
12 the Public Staff. We represent the Using and  
13 Consuming Public. And with me tonight is Babette  
14 McKemie who is a Utilities Engineer with the Public  
15 Staff.

16 MS. KEMERAIT: Good evening. My name is  
17 Karen Kemeraut with the Law Firm of Styers & Kemeraut  
18 in Raleigh, and I'm here on behalf of Briar Chapel  
19 Utilities, LLC.

20 EXAMINER BROWN: Thank you.

21 MR. COBB: I'm Larry Cobb with Nexsen Pruet  
22 Law Firm and we represent Old North State Water  
23 Company.

24 EXAMINER BROWN: Thank you. Are there any

1 motions, stipulations, or preliminary matters we need  
2 to address before we begin?

3 MR. GRANTMYRE: Mr. Hearing Examiner, we  
4 have a -- and we'll introduce it later -- the  
5 Affidavit of Public Staff Economist, Calvin Craig,  
6 III. He's recommending approval of the transfer, and  
7 the Companies have said they do not desire to cross  
8 examine him. Also, we have the prefiled testimony of  
9 Laura Bradley, Public Staff Accountant, and she really  
10 just says that the rate base at transfer would be zero  
11 since it's a zero purchase price. And we would ask  
12 that that be, at the proper time, entered into the  
13 record as if given orally even though she's not here  
14 to testify since we knew there would be no cross  
15 examination. Thank you.

16 EXAMINER BROWN: Any other matters?

17 MS. KEMERAIT: In addition, Briar Chapel  
18 Utilities, we have an Affidavit from Michael  
19 Mehringer. He's a Project Manager of Homes By  
20 Dickerson which is the primary builder for Briar  
21 Chapel. And his Affidavit has Exhibits A, B and C and  
22 provides information about the information and  
23 documentation that Homes By Dickerson provides to the  
24 homeowners about responsibility for the grinder pumps.

1 So we would ask that that be admitted into evidence as  
2 if given orally by the witness.

3 MR. GRANTMYRE: We do not desire to cross  
4 examine on that and we are agreeable to that.

5 EXAMINER BROWN: Okay. Mr. Grantmyre, do  
6 you have any public witnesses --

7 MR. GRANTMYRE: We have two public  
8 witnesses. Rich Lucier, do you wish to testify?

9 MR. LUCIER: Yes, I do.

10 RICHARD LUCIER; was duly sworn and  
11 testifies as follows:

12 DIRECT EXAMINATION BY MR. GRANTMYRE:

13 Q Please state your name and address.

14 A Richard Lucier, 75 North Serenity Hill Circle.

15 Q Could you please spell your last name for the  
16 Court Reporter?

17 A L-U-C-I-E-R.

18 Q Please -- and you're a customer of this  
19 wastewater utility?

20 A Yes.

21 Q And you live here in Briar Chapel?

22 A Yes, I do.

23 Q Just right down the street here?

24 A Yes, right across the --



1 Q Okay. Please proceed with your statement.

2 A I've talked to several people and many of us  
3 didn't seem to have received any notice about  
4 this hearing. And while these meetings don't get  
5 huge numbers of people they usually get more than  
6 this. And so it appears to me that notification  
7 really wasn't -- may have been handled by the law  
8 but it wasn't very effective. Just to have  
9 something sprung on us and we didn't receive  
10 notification like this, since it involves our  
11 home and our finances, it's a little  
12 disconcerting.

13 Q The Company did file a verification on  
14 February 16 that they have provided notice to  
15 their customers, but when the Company testifies  
16 we'll ask them about that.

17 A Maybe it's the Chapel Hill Post Office, I don't  
18 know, but I'm usually pretty careful with my mail  
19 and since I'm retired basically I have nothing  
20 else to do.

21 MR. COBB: I have one question.

22 CROSS EXAMINATION BY MR. COBB:

23 Q Mr. Lucier, during the informal discussion you  
24 indicated you had been doing research on the

1 Company.

2 A Just this afternoon.

3 Q So you --

4 A When I heard about it I immediately looked it up.

5 Q So you didn't hear anything at all until this  
6 afternoon?

7 A No, just this afternoon.

8 MR. COBB: Thank you.

9 (The witness is excused.)

10 MR. GRANTMYRE: The gentleman there on the  
11 end, do you wish to testify?

12 VOICE: No, I made a mistake.

13 MR. GRANTMYRE: Oh, okay.

14 VOICE: I'm here by mistake is all.

15 MR. GRANTMYRE: Okay. Well, welcome.

16 That's all the public witnesses. Do any other public  
17 witnesses want to testify? (No response.) Okay.

18 That's all the public witnesses.

19 EXAMINER BROWN: All right. Who's going  
20 first?

21 MR. COBB: Old North State will call  
22 Mr. Myers.

23 MICHAEL MYERS; was duly sworn and  
24 testifies as follows:

1     DIRECT EXAMINATION BY MR. COBB:

2     Q     State your name please for the record.

3     A     Michael Myers with Old North State Water Company.

4     Q     What is your position with Old North State?

5     A     I'm the President of Old North State Water  
6           Company.

7     Q     And are you also an officer of Envirolink?

8     A     I am. I'm the President of Envirolink, Inc.

9     Q     Can you tell us how the notice in question was  
10           mailed?

11    A     The notices were mailed with sufficient postage  
12           on them and they were -- all the customers on our  
13           customer list -- they were mailed to all the  
14           customers on our customer list.

15    Q     So those are all the people you're billing?

16    A     That's correct, yes.

17    Q     Just to get it into the record, it was discussed  
18           in the earlier discussion, question and answer  
19           period, about the connection between Envirolink  
20           and Old North State, and basically Envirolink has  
21           been running the system?

22    A     Envirolink has been managing the Briar Chapel  
23           Utilities wastewater system since its inception.  
24           We were the original -- Newland (spelling

1           uncertain) hired us originally and we've been  
2           managing it ever since.

3       Q     And is it Old North State's intention to enter  
4           into a similar contract with Envirolink if the  
5           transfer is approved by the Commission?

6       A     Yes, sir. We are anticipating no changes.

7       Q     And with respect to the grinder pumps in Herndon  
8           Woods, as I understand now that -- is it 15 of  
9           them?

10      A     Yes, approximately 15.

11      Q     And the developer agreed to maintain those in a  
12           separate agreement; is that correct?

13      A     Yes, as part of the original agreement with  
14           Herndon Woods, the developer agreed to maintain  
15           those, those grinder pumps.

16      Q     And will Old North State take over that  
17           obligation?

18      A     We will.

19           MR. COBB: That's all I have.

20           MR. GRANTMYRE: I would like to -- are there  
21           more than one copies of this?

22           MS. KEMERAIT: Yes, sir.

23           CROSS EXAMINATION BY MR. GRANTMYRE:

24      Q     This is an Affidavit by Michael Mehringer, who is

1 the Regional Manager for Briar Chapel for Homes  
2 By Dickerson, and are you familiar with that  
3 gentleman?

4 A I don't know him personally but I know the name.

5 Q And Envirolink has been -- when a customer has a  
6 problem with their grinder pump, that's out in  
7 Herndon Woods, you would go respond and at least  
8 tell the customer what he needs to do; is that  
9 correct?

10 A That is correct.

11 Q Can you read into the record paragraphs five and  
12 six? I just want to get into the record  
13 paragraphs five through eight.

14 A *Specifically, Homes By Dickerson provides the*  
15 *property owner in which a grinder pump has been*  
16 *installed on the property with a Property Owner*  
17 *Guide to Grinder Pump Operation ("Grinder Pump*  
18 *Guide") and ABS Piranha Submersible Grinder Pump*  
19 *Installation and Operations Instructions*  
20 *("Manufacturer's Installation and Operations*  
21 *Instructions"). The Grinder Pump Guide is*  
22 *attached hereto as Exhibit "A", and the*  
23 *Manufacturer's Installation and Operations*  
24 *Instructions is attached hereto as Exhibit "B".*

1                   Paragraph 6: The Grinder Pump  
2           Guide provides notice to the homeowner that he or  
3           she is responsible for the maintenance of the  
4           grinder pump. It states: "The property owner is  
5           responsible for the maintenance of the grinder  
6           pump. BCU recommends an annual inspection and  
7           cleaning of each grinder pump."

8                   Homes by Dickerson also provides  
9           each property owner with a list of warranty and  
10          telephone numbers that includes a telephone  
11          number for grinder pump issues. The list of  
12          warranty and telephone numbers is attached hereto  
13          as Exhibit "C".

14                   Paragraph 8: In addition, Homes  
15          By Dickerson explains to the home purchasers  
16          during the pre-closing walk-through of the homes  
17          that they will own and be responsible for the  
18          grinder pumps.

19                   MR. GRANTMYRE: Thank you. I have no  
20          further questions.

21                   EXAMINER BROWN: Thank you, Mr. Myers.

22                   (The witness is excused.)

23                   MR. COBB: I have nothing further.

24                   MS. KEMERAIT: I would simply ask that the

1 Affidavit be admitted into evidence as our Exhibit 1.  
2 I'd also like to point out that Bill Mumford and Lee  
3 Bowman with Briar Chapel Utilities are here in support  
4 of the Application and they will be available for any  
5 questions after the hearing.

6 EXAMINER BROWN: All right. The Affidavit  
7 shall be entered into evidence and identified as,  
8 let's see, let me make sure I've got the right --

9 MS. KEMERAIT: Applicant's Exhibit 1.

10 EXAMINER BROWN: Okay. Applicant's Exhibit  
11 1. Okay. It shall be so identified and admitted into  
12 evidence.

13 (Applicant's Exhibit 1 Identified and Admitted.)

14 EXAMINER BROWN: I've got both of y'all  
15 covered. Public Staff?

16 MR. GRANTMYRE: The Public Staff will call  
17 Utilities Engineer, Babette McKemie.

18 BABETTE MCKEMIE; was duly sworn and  
19 testifies as follows:

20 DIRECT EXAMINATION BY MR. GRANTMYRE:

21 Q Please state your name.

22 A My name is Babette McKemie.

23 Q And what is your position with the Public Staff?

24 A I'm a Utilities Engineer with the Public Staff of

1 the North Carolina Utilities Commission Water  
2 Division.

3 Q And did you cause to be prefiled in this case  
4 testimony on March 31st consisting of five pages  
5 of testimony?

6 A I did.

7 Q If we were to ask you the same questions today,  
8 would your answers be the same?

9 A They would.

10 Q Do you have any additions or corrections?

11 A I do not.

12 MR. GRANTMYRE: We would request that her  
13 testimony be copied into the record as if given  
14 orally.

15 Q (MR. GRANTMYRE) And do you have a summary of  
16 your testimony?

17 A I do.

18 (WHEREUPON, the summary of BABETTE  
19 McKEMIE is copied into the  
20 record.)  
21  
22  
23  
24



OLD NORTH STATE WATER COMPANY, LLC,  
DOCKET NO. W-1300, SUB 9

TESTIMONY SUMMARY OF BABETTE MCKEMIE  
ON BEHALF OF THE PUBLIC STAFF  
NORTH CAROLINA UTILITIES COMMISSION

My name is Babette McKemie. I am a Utilities Engineer with the Public Staff of the North Carolina Utilities Commission.

I have reviewed the operational status of the wastewater collection and treatment system. I reviewed the Division of Water Quality (DWQ) compliance inspection reports from July 31, 2013, August 23, 2013 and August 14, 2014. I reviewed the past twelve months Non-Discharge Monitoring Reports. I conducted a visit to the site on March 12, 2015 and met with Mike Myer of ONSWC. The plant appears to be well run and operating in compliance with DWQ requirements and standards. The Contract Operator, Envirolink, is providing adequate maintenance and service and will continue to operate the plant after ONSWC takes ownership.

There is currently a \$50,000 bond posted by Briar Chapel Utilities, LLC for this franchise. I recommend that the required bond remain \$50,000 for Briar Chapel.

ONSWC owns and operates a number of other water and wastewater utility systems and has provided adequate service for these utility systems. The Public Staff believes that ONSWC has the managerial and operation capacities to provide adequate service to the Briar Chapel wastewater customers.

The applicant has asked for the current rates to remain in effect. After the adjustment to current rates due to the Implementation of House Bill 998, the current rate is \$42.30 per month per REU. The Public Staff recommends approval of the transfer and the current rate.

1 MR. GRANTMYRE: Thank you. I have just a  
2 couple of follow-up explanation questions for the  
3 benefit of the customers.

4 Q (MR. GRANTMYRE) Now, you are a registered,  
5 professional engineer in North Carolina?

6 A I am.

7 Q And you've been working with the Public Staff and  
8 prior to that you worked at DENR in their  
9 Wastewater Division; is that correct?

10 A For some time in Air Quality and then some time  
11 in Water Quality.

12 Q And you said you looked at reports that DENR did  
13 inspections on the system, I believe you've  
14 mentioned three of them.

15 A Yes.

16 Q Can you briefly explain what those reports are  
17 about, you know, DENR comes out and looks at the  
18 system and looks at records?

19 A DENR does an inspection based on the criteria,  
20 they look at flow, and they look at the  
21 operational status of the plant and they also  
22 look at the testing. That's done to ensure that  
23 the plant is meeting and running and works with  
24 all the laws and regulations.

1 Q And you reviewed the last three inspection  
2 reports that DENR did?

3 A Yes.

4 Q And you also looked at the monthly flow reports  
5 that the Company files with DENR every month; is  
6 that correct?

7 A I did, yes.

8 Q And all of those appear to be satisfactory?

9 A Yes, all show the plant is operating in  
10 compliance.

11 Q And you also -- did you also observe that there  
12 are low flows going into the plant considering  
13 the number of 600 plus customers?

14 A Yes, yes. Their daily flow rates are recorded on  
15 the NDMR, the Non-Discharge Monitoring Report.

16 MR. GRANTMYRE: Thank you. I have no  
17 further questions.

18 MR. COBB: I have no questions.

19 MS. KEMERAIT: I have no questions.

20 EXAMINER BROWN: I do have one.

21 MR. GRANTMYRE: Uh-oh!

22 (Laughter.)

23 EXAMINATION BY EXAMINER BROWN:

24 Q We heard earlier, probably before we were on the

1 record, that the Company has -- that Old North  
2 State has \$250,000 worth of bond that they have  
3 put up.

4 A Yes.

5 Q And of that \$250,000, \$90,000 of that has been  
6 assigned to some of these other subdivisions that  
7 we were talking about --

8 A (Interposing) Right.

9 Q -- over the rest of the state. And \$160 --  
10 therefore, \$160,000 of it is unassigned.

11 A Right.

12 Q And you're recommending that \$50,000 of that  
13 \$160,000 be assigned to Briar Chapel --

14 A (Interposing) Yes, I am.

15 Q -- leaving them \$110,000 for other subdivisions  
16 at a later time?

17 A Yes, correct.

18 EXAMINER BROWN: All right. I just wanted  
19 to get that on the record. Thank you very much.

20 (The witness is excused.)

21 MR. GRANTMYRE: Mr. Hearing Examiner, we  
22 would also move that the testimony of Laura Bradley,  
23 Public Staff Utility Accountant, be copied into the  
24 reported as if given orally, and the Affidavit of

1 Calvin Craig, III, Public Staff Economist, who also  
2 recommends the transfer that the Company has the  
3 financial ability to operate the system.

4 EXAMINER BROWN: Okay. The prefiled  
5 testimony of Ms. McKemie will be identified as McKemie  
6 Exhibit 1 and it is so identified and is accepted into  
7 the evidence. The testimony of Ms. Bradley will be  
8 identified as Bradley Exhibit 1 and that will be  
9 accepted into evidence. And the Affidavit of  
10 Mr. Craig will be identified as Craig Exhibit 1 and  
11 will be accepted into evidence in this case.

12 (McKemie Exhibit 1 Identified and Admitted.)

13 (Bradley Exhibit 1 Identified and Admitted.)

14 (Craig Exhibit 1 Identified and Admitted.)

15 MR. GRANTMYRE: That concludes the evidence  
16 for the Public Staff. Customers that are here, we  
17 have some extra copies of our prefiled testimony if  
18 you want it. The reason that it seems to go so  
19 quickly is when you prefile testimony the Commission  
20 has that already and it's not necessary to go through  
21 and read the whole thing, but we did prefile  
22 testimony. I will say, for the customers' benefit,  
23 that the Company filed in November and our audit was  
24 going on through, well, up to the time we filed our

1 testimony, almost in March. So we did do an extensive  
2 evaluation of this transfer.

3 EXAMINER BROWN: All right. Then let's --

4 (Mr. Lucier raised his hand.)

5 MR. GRANTMYRE: I'll answer it afterwards.

6 MR. LUCIER: It's not a question. I just  
7 want to, since I learned more information from the  
8 other testimony, if I could testify again?

9 EXAMINER BROWN: Come back to the stand.

10 MR. LUCIER: Do I need to swear?

11 EXAMINER BROWN: Just identify yourself.

12 (WHEREUPON, Mr. Richard Lucier  
13 returns to the stand and remains  
14 under oath.)

15 MR. LUCIER: I'm Richard Lucier.

16 EXAMINER BROWN: Okay. Go ahead.

17 DIRECT STATEMENT BY MR. LUCIER:

18 There are many of us here who haven't bought  
19 Homes By Dickerson. There are several other builders  
20 here and so it seems to me that similar affidavits  
21 from all of these other builders who built numerable  
22 homes here -- I'm not quite sure why Homes by  
23 Dickerson, if they've built the most if that's why  
24 they're identified as the premium homebuilder or the

1 primary homebuilder, but many of us have bought homes  
2 from other home companies, and it's not at all clear  
3 to me that we've been notified in ways that Dickerson,  
4 people who bought Homes By Dickerson have been  
5 notified.

6 MR. GRANTMYRE: Let me address that. When  
7 we saw that the customers were responsible for the  
8 grinder pumps within Briar Chapel we asked that the  
9 Company provide us a list of every customer who has a  
10 grinder pump, and there were 50 customers with grinder  
11 pumps. Then we also said we want a copy of the deed  
12 to each of those customers which we got. And then we  
13 said, okay, how do we know that the customers were  
14 told that it was going to be their responsibility.  
15 And they said that Homes By Dickerson gave them each  
16 the three documents during the walk-through.

17 So one of the snow days I was in my office  
18 and I said, well, I'm going to investigate this some  
19 more. I don't want to have to call 50 homeowners. I  
20 called Homes by Dickerson and they gave me -- they  
21 referred me to this Mr. Mehringer, who is the Manager  
22 for Briar Chapel, and I talked with him and he  
23 verified that they do give these three documents as  
24 explained during the walk-through. Now, of the 50

1 grinder pumps, all but three were Homes by Dickerson.  
2 The other three were another company, I think it  
3 begins with a "C", it's somewhere in my file here, and  
4 I called them and talked to their guy and he said the  
5 same thing. He said he was the manager during the  
6 walk-through and gave the exact same documents to  
7 those three that had the grinder pumps. So the Public  
8 Staff was satisfied having talked to the companies  
9 that installed it.

10 The other 600 homes, whatever it is, do not  
11 have grinder pumps, they have gravity flow. And what  
12 they do is they install grinder pumps where the house  
13 is lower than the sewer main or the manhole that it's  
14 feeding into so they have to pump it. So the Public  
15 Staff was satisfied that all 50 homeowners that do --  
16 do you have a grinder pump?

17 MR. LUCIER: I have no idea.

18 MR. GRANTMYRE: Well, if you did you'd know  
19 it. You'd know it because -- I have a grinder pump at  
20 my beach house. When the power is out it doesn't work  
21 so you can't flush the toilet so you would know if you  
22 had a grinder pump.

23 MR. LUCIER: I guess we haven't lost power.

24 MR. GRANTMYRE: Okay.



1 (The witness is excused.)

2 EXAMINER BROWN: Okay. We have reached the  
3 end of all the testimony both customers and --

4 MR. GRANTMYRE: (Interposing) Counsel.

5 EXAMINER BROWN: -- Company's and, yep, and  
6 counsel, too. So let's -- we're coming to the phase  
7 of talking about the recommended order. Let's go off  
8 the record for a moment while we discuss that.

9 (WHEREUPON, a discussion was held  
10 off the record.)

11 EXAMINER BROWN: Let's go back on the  
12 record. I'm going to ask the Company, the Applicant,  
13 to prepare a proposed recommended order, and the  
14 Public Staff has agreed to work with them and make  
15 additions or even perhaps file it as a joint proposed  
16 order. In order to expedite what we heard earlier  
17 tonight, they'd like to be able to close on this by  
18 the end of April. If a proposed recommended order is  
19 sent to me by the Wednesday before the 20th, then we  
20 can most likely have it approved by the Commission on  
21 the 20th at that Staff Conference and made a final  
22 order and, if it's not filed by then, it will be the  
23 27th. Anyway, that's -- and that would be preferable  
24 to me just issuing a proposed order and then have to

1 wait 16 days to become final, if I can see to it that  
2 we get Commission approval to make it final on the  
3 20th.

4 And for the benefit of the customers, what  
5 I've done is just some housekeeping here to -- I've  
6 asked the Company and the Public Staff to prepare this  
7 order so that I can then, well, I'll look at it, I may  
8 take it verbatim, I may massage it a little bit, you  
9 never know, sometimes I do when I get it, but I will  
10 prepare an order that is my, the Hearing Examiner's  
11 proposed order. And in normal circumstances, when  
12 that Hearing Examiner proposed order comes out, it  
13 becomes a final order 16 days later. And during that  
14 interim period, the parties, if they don't like what I  
15 put in that order, they can file exceptions and the  
16 full Commission can hear it. But if the parties file  
17 a joint proposed order that is pretty much saying that  
18 they're not going to take an exception and we will --  
19 and they've agreed to have the order made final on the  
20 date that the proposed order will be issued so this  
21 proposed order and the final order will happen  
22 simultaneously on the 20th when the Commission has --  
23 the Commission meets once a week to take up matters  
24 that the Staff presents to them. So we're all hoping

1 it might can happen on the 20th. So that answers the  
2 question that was asked during the off-the-record  
3 portion before we started the hearing as to when this  
4 could happen. And so it will be in the Company's  
5 hands to proceed on to closing any time after the 20th  
6 if everything falls in place. So that's what we're  
7 discussing and where we're going with that. If  
8 there's nothing further --

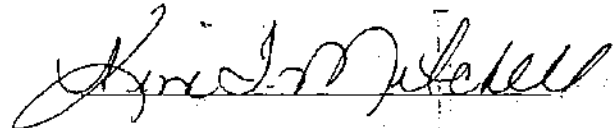
9 MR. COBB: I would say Mr. Myers will be  
10 available for questions, if there are any, from the  
11 customers after we're adjourned.

12 EXAMINER BROWN: Okay. If there is nothing  
13 further, the hearing is adjourned. And as Mr. Cobb  
14 just stated, all the parties to this are available if  
15 you have any further questions you want to ask now  
16 that we're done.

17 (WHEREUPON, the hearing is adjourned.)  
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## C E R T I F I C A T E

1  
2 The undersigned Court Reporter certifies that this is  
3 the transcription of notes taken by her during this  
4 proceeding and that the same is true, accurate and  
5 correct..  
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8 Kim T. Mitchell  
9 Court Reporter II  
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