

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1146, SUB 13
DOCKET NO. W-1328, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Red Bird Utility Operating)	ORDER GRANTING MOTION
Company, LLC, and Total Environmental)	FOR SUBSTITUTION OF
Solutions, Inc., for Authority to Transfer the)	WITNESS AND ADOPTION OF
Lake Royale Subdivision Water and)	TESTIMONY, RESCHEDULING
Wastewater Utility Systems and Public Utility)	HEARING, AND EXCUSING
Franchise in Franklin and Nash Counties,)	ONE WITNESS
North Carolina, and for Approval of Rates)	

BY THE PRESIDING COMMISSIONER: On June 7, 2021, Red Bird Utility Operating Company, LLC (Red Bird) and Total Environmental Solutions, Inc. (TESI), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and wastewater utility systems and public utility franchise serving Lake Royale Subdivision (Lake Royale) in Franklin and Nash Counties, North Carolina, from TESI to Red Bird and approval of rates.

On July 11, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) scheduling, among other things, an expert witness hearing to begin at 2:00 p.m., on Monday, October 23, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603.

On October 12, 2023, Red Bird filed a Motion for Substitution of Witness and Adoption of Testimony. On October 13, 2023, the Public Staff filed its Objections to Red Bird's motion.

On October 13, the Commission issued an order delaying the hearing until Tuesday, October 24, 2023, and denying Red Bird's request to substitute rebuttal witness Todd Thomas for witness Josiah Cox.

On October 20, 2023, Red Bird filed a Motion for Substitution of Witness and Adoption of Testimony, for Rescheduling of Expert Witness Hearing and to Excuse One Witness (Motion), in which Red Bird requested that the Commission allow witness Cox to adopt the prefiled rebuttal testimony and exhibits of witness Thomas; that the hearing be delayed until 12:00 p.m. on Tuesday, October 24, 2023; and that rebuttal witness Caitlin O'Reily be excused from appearing at the hearing. In support of the Motion, Red Bird

states that the Public Staff and Red Bird have reached an agreement on settlement of the issues presented in these dockets and plan to file a Settlement Agreement and Stipulation (Stipulation) by 12:00 p.m. on Monday, October 23, 2023. Red Bird expects that TESI will join in the Stipulation, but it is uncertain whether the Lake Royale Property Owners Association will join in the Stipulation. Red Bird's request to allow witness Cox to adopt rebuttal witness Thomas' testimony and substitute for him as a witness as well as its request to excuse rebuttal witness O'Reily is based on the pending Stipulation.

After careful consideration, the Presiding Commissioner finds good cause to delay the expert witness hearing by one hour to begin at 12:00 p.m. on Tuesday, October 24, 2023; to allow witness Cox to adopt rebuttal witness Thomas' testimony and substitute for him as a witness; and to excuse rebuttal witness O'Reily from appearing at the hearing.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Tamika D. Conyers". The signature is written in black ink and is positioned above the printed name of the signatory.

Tamika D. Conyers, Deputy Clerk