

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 5

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Currituck Water and Sewer, LLC for a Certificate of Public Convenience and Necessity to Provide Water and Sewer Utility Service to Carolina Village in Currituck County, North Carolina and for Approval of Rates))))))	ORDER GRANTING MOTION TO COMPEL
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BY THE PRESIDING COMMISSIONER: On August 16, 2023, Currituck Water and Sewer, LLC (Currituck) filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) to provide water and sewer utility service to the Carolina Village subdivision in Currituck County, North Carolina in accordance with N.C. Gen. Stat. § 62-110. Currituck filed amended Applications on September 20, 2023 and November 14, 2023.

On February 14, 2024, the Commission issued its Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). Pursuant to the discovery guidelines within the Scheduling Order, Currituck shall have up to three business days to file objections to discovery requests on an item-by-item basis. The discovery guidelines further provide that each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission.

On February 22, 2023, the Public Staff filed a Motion to Compel discovery. In its motion, the Public Staff states that on February 8, 2024, the Public Staff sent Currituck Public Staff Data Request No. 5, titled "Follow up PSDR2- Supporting Documentation" and Public Staff Data Request No. 6, titled "Public Staff Data Request No. 3 Follow-up – Expenses". The Public Staff requested responses to Data Request Nos. 5 and 6 by February 19, 2024. The Public Staff further states that on February 13, 2024, the Public Staff sent Currituck Public Staff Data Request No. 7, titled "Follow-up on PS DR No. 4". The Public Staff requested a response to Data Request No. 7 by February 20, 2024. The Public Staff asserts that the information requested in Data Request Nos. 5, 6, and 7 is required in order for the Public Staff to investigate Currituck's Application and develop a position on whether Currituck has the technical, managerial, and financial capabilities to provide public utility service to the Carolina Village subdivision.

According to the Public Staff, Currituck did not informally or formally object to Data Request Nos. 5, 6, or 7, did not respond to these data requests, and did not request an extension of time to provide responses. The Public Staff contends that these data

requests were sent to Currituck before the Scheduling Order was issued and Currituck has had ample time to file objections with the Commission since the Scheduling Order was issued. The Public Staff requests that the Commission direct Currituck to fully and promptly respond to Data Request Nos. 5, 6, and 7.

On February 28, 2024, the Public Staff filed a letter stating that Currituck has not filed a response to the Public Staff's Motion to Compel and has not provided full and complete responses to Data Request Nos. 5, 6, and 7. The Public Staff further states that, on February 23, 2024, Currituck provided partial responses to Data Request Nos. 5 and 6, but those responses are inadequate.

Thereafter, counsel for Currituck contacted the Commission stating that on February 28, 2024, Currituck submitted a number of discovery responses to the Public Staff and requested from the Public Staff an opportunity to discuss where the parties stand with respect to discovery issues. Currituck indicated that the discussion was going to occur the following day, on February 29, 2024.

On February 29, 2024, the Public Staff sent an assessment of the completeness of Currituck's responses to Data Request Nos. 5, 6, and 7. The Public Staff's assessment indicates that Currituck's discovery responses remain incomplete.

The Commission understands that discovery is a necessary and important part of cases before it, and the Commission expects all parties to work cooperatively in propounding and responding to discovery requests. Here, the Public Staff contends that Currituck's responses to Data Request Nos. 5, 6, and 7 are incomplete. To date, Currituck has not filed any objections to these data requests as provided for in the Scheduling Order. Therefore, the Presiding Commissioner finds good cause to grant the Public Staff's Motion to Compel and orders Currituck to supplement its responses to the extent necessary to be full, complete, and accurate.

IT IS, THEREFORE, ORDERED that the Public Staff's February 22, 2024 Motion to Compel is granted and that Currituck shall provide full and complete responses to Data Request Nos. 5, 6, and 7 as soon as possible and no later than Tuesday, March 12, 2024.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk