

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
STAFF CONFERENCE AGENDA
April 1, 2024
Commission Hearing Room 2115, 10:00 a.m.**

ELECTRIC

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Duke Energy Carolinas, LLC

1. Docket No. E-7, Sub 1309 and SP-8135, Sub 1 – Request to transfer CPCN for a 30-MW solar photovoltaic facility in Davie County, North Carolina, from Quail Holdings, LLC (Birdseye Renewable Energy, LLC), to Duke Energy Carolinas, LLC (*Thomas/Keyworth*)

Duke Energy Progress, LLC

2. Docket No. SP-33890, Sub 1 – Application of Oxbow Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct an 80-MW solar photovoltaic facility in Wayne County, North Carolina (*Lawrence/Keyworth*)
3. Docket No. SP-49098, Sub 0 – Application of Sasser Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct an 80-MW solar photovoltaic facility in Wayne County, North Carolina (*Lucas/Keyworth*)

WATER AND WASTEWATER

ORDER GRANTING FRANCHISE AND APPROVING RATES

Aqua North Carolina, Inc.

4. Docket No. W-218, Sub 553 – Application for a Certificate of Public Convenience and Necessity to Provide Water Utility Service for Gardner Farms Subdivision, in Wake County (*Darden/Akpom/Jost*)
5. Docket No. W-218, Sub 595 – Application for a Certificate of Public Convenience and Necessity to Provide Water Utility Service for Choplin Farms Subdivision, in Nash County (*Darden/Akpom/Coxton*)

*ORDER SCHEDULING HEARINGS, ESTABLISHING DISCOVERY GUIDELINES, AND
REQUIRING CUSTOMER NOTICE*

Fairfield Water Company

6. Docket No. W-1226, Sub 4 – Application for Authority to Adjust and Increase Rates for Water Utility Service in Fairfield Water Service Area, in Henderson County (*Bhatta/Sun/Newell/Coxton*)

The Public Staff recommends approval of these agenda items as described above and reflected in proposed orders provided to the Commission Staff.

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Docket No. SP-8135, Sub 1)	
)	
In the Matter of)	
Application of Quail Holdings, LLC, for a)	
Certificate of Public Convenience and)	
Necessity to Construct a 30-MW Solar Facility	)	ORDER TRANSFERRING
in Davie County, North Carolina	)	CERTIFICATE OF PUBLIC
	)	CONVENIENCE AND
Docket No. E-7, Sub 1309	)	NECESSITY AND
	)	REGISTRATION
In the Matter of)	
Verified Joint Notice and Request of Duke)	
Energy Carolinas, LLC, and Birdseye)	
Renewable Energy, LLC, for Approval to)	
Transfer Certificate of Public Convenience and)	
Necessity)	

BY THE COMMISSION: On October 18, 2016, in Docket No. SP-8135, Sub 0, the Commission issued a certificate of public convenience and necessity (CPCN) to Quail Holdings, LLC (Quail Holdings), for construction of an 25-megawatt ^{AC} (MW) solar photovoltaic electric generating facility to be located west of U.S. Highway 601, north of Lakewood Village Road, and including the western termination of Crepe Myrtle Lane, Mocksville, Davie County, North Carolina (Solar Facility). In addition, the Commission accepted registration of the facility as a new renewable energy facility and noted that Quail Holdings intended to sell the electricity to Duke Energy Carolinas, LLC (DEC).

On September 24, 2018, Quail Holdings filed an amended application requesting to increase the capacity of the facility from 25 MW to 30 MW and add additional parcels of land. An amended registration statement reflecting this capacity increase was filed on October 10, 2018.

On September 29, 2020, the Commission issued its Order Issuing an Amended Certificate and Accepting Amended Registration of New Renewable Energy Facility to Quail Holdings.

On June 17, 2022, in Docket Nos. E-2, Sub 1297, and Sub E-7, Sub 1309, DEC and Duke Energy Progress, LLC, filed a final request for proposals for the 2022 Solar Procurement Program (RFP). On June 22, 2022, the RFP was opened to accept bids. On July 22, 2022, Birdseye Renewable Energy, LLC (Birdseye) – the upstream owner of Quail Holdings – bid the Solar Facility project in response to the RFP.

On May 19, 2023, the Solar Facility was selected as a winning bid in the Utility Ownership Track.

On October 31, 2023, DEC and Birdseye executed an Asset Purchase Agreement for the Solar Facility and related assets stating that, if the transfer is approved by the Commission, DEC will assume responsibility for all remaining engineering, procurement, and construction for the Solar Facility, subject to Birdseye's post-closing obligations.

On February 23, 2024, DEC and Birdseye, on behalf of and as the upstream owner of Quail Holdings, filed a Verified Joint Notice and Request for Approval to Transfer CPCN (Joint Transfer Request) in the above-captioned dockets, notifying the Commission of Birdseye's intent to transfer the CPCN and associated rights and assets of the Solar Facility to DEC and requesting that: (1) the Commission approve the planned transfer of the CPCN and the associated rights and assets of the Solar Facility to DEC; (2) the Commission reissue the CPCN issued to Quail Holdings for the Solar Facility to DEC contingent on the closing of the Asset Purchase Agreement executed by Birdseye and DEC on October 31, 2023; (3) the registration statement as a new renewable energy facility accepted in Docket No. SP-8135, Sub 0, be cancelled upon approval of the transfer; and (4) the Commission accept the application to register a new renewable facility filed by DEC.

The Public Staff presented this matter at the Commission's Regular Staff Conference on April 1, 2024. The Public Staff stated that it had reviewed the Joint Transfer Request and recommended approval.

Based on the foregoing and the recommendation of the Public Staff, the Commission finds good cause to transfer the CPCN for Quail Holdings to DEC; accept registration of the facility by DEC as a new renewable energy facility; cancel the CPCN and registration of Quail Holdings; and close Docket No. SP-8135, Sub 0, effective as of the closing of the Asset Purchase Agreement executed by Birdseye and DEC on October 31, 2023.

IT IS, THEREFORE, ORDERED as follows:

1. That the planned transfer of the certificate of public convenience and necessity for the 30 MW_{AC} solar photovoltaic generating facility to be located west of U.S. Highway 601, north of Lakewood Village Road, and including the western termination of Crepe Myrtle Lane, Mocksville, Davie County, North Carolina, and the associated rights and assets of the facility, to Duke Energy Carolinas, LLC, shall be, and is hereby, granted contingent on the closing of the Asset Purchase Agreement executed by Birdseye and DEC on October 31, 2023;

2. That Appendix A shall constitute the certificate of public convenience and necessity reflecting the transfer of the facility to Duke Energy Carolinas, LLC, effective as of the closing of the Asset Purchase Agreement executed by Birdseye and Duke Energy Carolinas, LLC, on October 31, 2023;

3. That the registration statement as a new renewable energy facility accepted in Docket No. SP-8135, Sub 0, shall be cancelled;

4. That the application of Duke Energy Carolinas, LLC, to register the facility as a new renewable energy facility be accepted;

5. Duke Energy Carolinas, LLC, shall file a letter with the Commission in the above captioned dockets once Duke Energy Carolinas, LLC, has closed the Asset Purchase Agreement executed by Birdseye and DEC on October 31, 2023; and

6. That the Chief Clerk shall close Docket No. SP-8135, Sub 0, once Duke Energy Carolinas, LLC, has filed the letter referenced in ordering paragraph 5.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2023

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1309

Duke Energy Carolinas, LLC
515 South Tryon Street
Charlotte, North Carolina 28202

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. Gen. Stat. § 62-110.1**

for a 30-MW_{AC} solar photovoltaic electric generating facility

to be located

west of U.S. Highway 601, north of Lakewood Village Road, and including the
western termination of Crepe Myrtle Lane, Mocksville, Davie County, North
Carolina

subject to all orders, rules, regulations, and conditions as are now or may
hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33890, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Oxbow Solar, LLC, for a	)	ORDER ISSUING CERTIFICATE
Certificate of Public Convenience and	)	AND ACCEPTING
Necessity to Construct an 80-MW Solar Facility)	)	REGISTRATION OF NEW
in Wayne County, North Carolina	)	RENEWABLE ENERGY
	)	FACILITY

BY THE COMMISSION: On September 29, 2023, Oxbow Solar, LLC (Applicant), filed an application in the above-captioned docket seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of an 80-megawatt ^{AC} (MW) solar photovoltaic generating facility to be located west of Arrington Bridge Road, east of Emmaus Church Road, north and south of Sleepy Creek Road, near Goldsboro, Wayne County, North Carolina. The Applicant plans to sell the electricity to Duke Energy Progress, LLC (DEP).

Contemporaneously with the application, the Applicant filed a registration statement for a new renewable energy facility. The registration statement included certified attestations that (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a new renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C.G.S. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On November 13, 2023, the Commission issued an Order Requiring Publication of Notice.

On December 14, 2023, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to DEP on November 28, 2023.

On December 21, 2023, the State Clearinghouse filed a letter indicating that “no further State Clearinghouse review action on [the Commission’s] part is needed for compliance with the North Carolina Environmental Policy Act,” with an attached set of comments from the State Historic Preservation Office (SHPO). SHPO’s comments included a recommendation that “a reconnaissance level survey be conducted by an

experienced archaeologist.”¹ On January 16, 2024, the State Clearinghouse filed additional comments. Because of the nature of the comments, the cover letters indicated that no further State Clearinghouse review action is required for compliance with the North Carolina Environmental Policy Act.

On December 28, 2023, the Applicant filed an Affidavit of Publication from the Goldsboro News-Argus stating that the publication of notice was completed on December 21, 2023.

On February 8, 2024, the Public Staff filed a letter with the Commission stating that, as a result of the apparent disharmony between SHPO’s recommendation that a reconnaissance level survey be undertaken and the Clearinghouse’s directive in its December 21, 2023 letter that no further review action is necessary, the Public Staff contacted the Clearinghouse for clarification. A representative of the Clearinghouse contacted SHPO and thereafter informed the Public Staff that “SHPO confirmed [that] no other actions are required.”² The Public Staff also spoke by phone with SHPO directly, during which a SHPO representative stated that its recommendation was discretionary and not required.

The Public Staff presented this matter to the Commission at its regular Staff Conference on April 1, 2024. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff recommended approval of the certificate and registration for the facility.

After careful consideration, the Commission finds good cause to approve the application and issue the attached certificate for the proposed solar photovoltaic generating facility. The Commission further finds good cause, based upon the foregoing and the entire record in this proceeding, to accept registration of the facility as a new renewable energy facility. The Applicant shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year and is required to participate in the NC-RETS REC tracking system (<http://www.ncrets.org>) in order to facilitate the issuance of renewable energy certificates.

¹ The following day, a duplicate set of SHPO’s comments were filed by the Clearinghouse in the docket. No letter from the Clearinghouse was included.

² In its letter, the Public Staff further explained that, during the course of this conversation, it learned that the duplicate set of comments filed on December 22, 2023, was intended to be a filing containing a separate letter with an additional set of comments from other agencies, and that the Clearinghouse had unknowingly filed SHPO’s comments twice instead. As a result, on January 16, 2024, the Clearinghouse filed another letter and the accompanying set of additional comments. This cover letter indicated that “no further State Clearinghouse review action on [the Commission’s] part is needed for compliance with the North Carolina Environmental Policy Act” and included comments submitted by the North Carolina Department of Environmental Quality, the North Carolina Wildlife Resources Commission, and the Department of Transportation.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Oxbow Solar, LLC, for a certificate of public convenience and necessity shall be, and is hereby, approved;
2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Oxbow Solar, LLC, for the 80-MW solar photovoltaic generating facility to be located west of Arrington Bridge Road, east of Emmaus Church Road, and north and south of Sleepy Creek Road, Goldsboro, Wayne County, North Carolina;
3. That the registration statement filed by Oxbow Solar, LLC, for its solar photovoltaic generating facility to be located in Wayne County, North Carolina, as a new renewable energy facility shall be, and is hereby, accepted;
4. That Oxbow Solar, LLC, shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year; and
5. That Oxbow Solar, LLC, shall renew this certificate by re-compliance with the requirements set forth in Commission Rule R8-64 if it does not begin construction within five years after the issuance of the certificate.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33890, SUB 1

Oxbow Solar, LLC

130 Roberts Street
Asheville, North Carolina 28801

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. Gen. Stat. § 62-110.1**

for an 80-MW_{AC} solar photovoltaic generating facility

to be located

west of Arrington Bridge Road, east of Emmaus Church Road, north and south of
Sleepy Creek Road, Goldsboro, Wayne County, North Carolina

subject to all orders, rules, regulations and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-49098, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Sasser Solar, LLC, for a	) ORDER ISSUING CERTIFICATE
Certificate of Public Convenience and	) AND ACCEPTING
Necessity to Construct an 80-MW Solar	) REGISTRATION OF NEW
Facility in Wayne County, North Carolina	) RENEWABLE ENERGY
	) FACILITY

BY THE COMMISSION: On October 31, 2022, Sasser Solar, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of an 80-megawatt AC (MW) solar photovoltaic generating facility to be located south of the Neuse River, to the west of NC Highway 111, and bordered to the south by Indian Springs Road and Greenfield Cemetery Road, in Wayne County, North Carolina. The Applicant plans to sell the electricity generated by this facility to Duke Energy Progress, LLC (DEP).

Also on October 31, 2022, the Applicant filed a registration statement for a new renewable energy facility. The registration statement included certified attestations that (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a new renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C.G.S. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

On February 6, 2023, the Commission issued an Order Requiring Publication of Notice and Clearinghouse Review.

March 23, 2023, the Applicant filed an affidavit of publication from the Goldsboro News-Argus stating that the publication of notice was completed on March 21, 2023. No complaints have been received.

Also on March 23, 2023, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to DEP on February 24, 2023.

On March 24, 2023, the State Clearinghouse filed comments. The comments indicated that the North Carolina Department of Natural and Cultural Resources (DNCR) had requested that a reconnaissance level archaeological survey be conducted.

On March 19, 2024, DNCR filed a letter stating that it accepted an archaeological survey provided by the Applicant on February 15, 2024, as the final compliance report for the requested archaeological survey.¹

On March 21, 2024, after being contacted by the Public Staff, the State Clearinghouse filed additional comments acknowledging that the results of the archaeological survey requested by DNCR had been submitted to DNCR and stating that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on April 1, 2024. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff recommended approval of the certificate and registration for the facility.

After careful consideration, the Commission finds good cause to approve the application and issue the attached certificate for the proposed solar photovoltaic generating facility. The Commission further finds good cause, based upon the foregoing and the entire record in this proceeding, to accept registration of the facility as a new renewable energy facility. The Applicant shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year and is required to participate in the NC-RETS REC tracking system (<http://www.ncrets.org>) in order to facilitate the issuance of renewable energy certificates.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Sasser Solar, LLC, for a certificate of public convenience and necessity shall be, and is hereby, approved.

2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Sasser Solar, LLC, for the 80-MW_{AC} solar photovoltaic generating facility to be located south of the Neuse River, to the west of NC Highway 111, and bordered to the south by Indian Springs Rd. and Greenfield Cemetery Rd., in Wayne County, North Carolina.

¹ The following day, the State Clearinghouse filed a copy of the March 19, 2024 letter from DNCR.

3. That the registration statement filed by Sasser Solar, LLC, for its solar photovoltaic generating facility to be located in Wayne County, North Carolina, as a new renewable energy facility, shall be, and is hereby, accepted.

4. That Sasser Solar, LLC, shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year.

5. That Sasser Solar, LLC, shall renew this certificate by re-compliance with the requirements set forth in Commission Rule R8-64 if it does not begin construction within five years after the issuance of the certificate.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-49098, SUB 0

Sasser Solar, LLC
880 Apollo Street, Suite 333
El Segundo, California 90245

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. Gen. Stat. § 62-110.1**

for an 80-MW_{AC} solar photovoltaic generating facility

to be located

south of the Neuse River, to the west of NC Highway 111, and bordered to the south by Indian Springs Road and Greenfield Cemetery Road, in Wayne County, North Carolina,

subject to all orders, rules, regulations and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 553

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Aqua North Carolina, Inc., for a)	
Certificate of Public Convenience and)	ORDER GRANTING
Necessity to Provide Water Utility Service to)	FRANCHISE AND
Gardner Farms Subdivision in Wake County,)	APPROVING RATES
North Carolina, and for Approval of Rates)	

BY THE COMMISSION: On July 28, 2022, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) to provide water utility service to Gardner Farms subdivision in Wake County, North Carolina, in accordance with N.C. Gen. Stat. § 62-110. On July 25, 2023, the Public Staff filed a letter outlining the deficiencies in the Application and indicating that the Public Staff considers the Application incomplete. On July 31, 2023, the Commission issued an Order Finding Application Incomplete and Request for Additional Information. On January 31, 2024, Aqua filed additional information in response to the Public Staff's letter outlining deficiencies. On February 14, 2024, the Public Staff filed a letter outlining the deficiencies in the Amended Application and indicating that the Public Staff considers the Application incomplete. Also on February 14, 2024, the Commission issued a Second Order Finding Application Incomplete and Request for Additional Information. On the same date, Aqua filed supplemental information. On February 21, 2024, the Public Staff filed a letter with the Commission indicating that this docket now includes all the information required for a complete application. On February 23, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On March 1, 2024, the Public Staff provided the information requested by the Commission. On March 5, 2024, the Commission issued an Order Scheduling Hearing and Establishing Discovery Guidelines (Scheduling Order).

On March 15, 2024, a Joint Motion to Cancel Hearing was filed by Aqua and the Public Staff (collectively, the Parties).

On March 18, 2024, the Commission issued an Order cancelling the requirement for prefiled testimony and cancelling the expert witness hearing.

On April 1, 2024, the Public Staff presented this matter at the Commission's Regular Staff Conference. The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

Based upon the verified Application, and the entire record in this matter, the Commission makes the following

FINDINGS OF FACT

1. Aqua presently holds water franchises serving approximately 84,000 customers and sewer franchises serving approximately 21,000 customers throughout North Carolina. Aqua's record of service is satisfactory.

2. Aqua expects eventually to serve 43 water customers in Gardner Farms. The service area is shown on plans filed with the Application.

3. The North Carolina Department of Environmental Quality, Division of Water Resources, Public Water Supply Section, issued plan approval letters for Gardner Farms, part of Water System No. NC4092197. The plans are approved under serial numbers 21-00543, dated August 16, 2021, and 21-00539, dated August 19, 2021.

4. Aqua entered into a Water Utility System Agreement dated May 13, 2021, with RP Wellons Land and Development, LLC (Developer), under which (1) the Developer is installing the water utility system; (2) Aqua is acquiring the water system from Developer at \$1,750 per single-family residential equivalent (SFRE) payable quarterly based upon the number of SFREs connected during the previous quarter; (3) there is no connection fee; and (4) Aqua is requesting a one-time meter installation fee of \$70 for water service, to be paid by the builder or person first requesting service to a particular lot.

5. Aqua has filed all exhibits required with the Application.

6. Aqua has the technical, managerial, and financial capacity to provide water utility service in this franchise location.

7. Aqua proposes to charge its statewide, uniform water utility service rates approved for its other franchised service areas.

8. The Public Staff has recommended that Aqua be required to post a \$25,000 bond for Gardner Farms. Aqua currently has \$13,000,000 of bonds posted with the Commission. Of this amount, \$12,905,000 of bond surety is assigned to specific subdivisions and \$95,000 of bond surety is unassigned.

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission concludes that \$25,000 of Aqua's unassigned bond surety should be assigned to Gardner Farms, that the water utility franchise requested by Aqua in Gardner Farms should be granted, that a meter installation fee of \$70 for water utility service should be approved, and that the requested rates should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That \$25,000 of Aqua's unassigned bond surety is assigned to Gardner Farms. The remaining unassigned bond surety shall be \$45,000 (a total of \$50,000 is being assigned concurrently in Docket No. W-218, Subs 553 and 595);

2. That Aqua is granted a certificate of public convenience and necessity to provide water utility service in Gardner Farms in Wake County, North Carolina, and Appendix A, attached hereto, constitutes the Certificate of Public Convenience and Necessity;

3. That Aqua's existing Schedule of Rates approved by Commission Order issued on July 31, 2023, in Docket No. W-218, Sub 573, is approved for water utility service in Gardner Farms;

4. That a meter installation fee of \$70 for water utility service is approved for Gardner Farms;

5. That Aqua shall follow applicable state and federal laws and Commission guidance with respect to income tax gross-up on contributions in aid of construction per orders issued in Docket No. W-100, Sub 57;

6. That to the extent not previously filed in the docket, Aqua shall file, within 14 days of their availability, all completed exhibits to the Water Utility System Agreement including, but not limited to, deeds, easements, warranties, bills of sale, and written certifications of cost; and

7. That, to the extent not previously filed in the docket, Aqua shall file, within 14 days of their availability, copies of documents showing that Aqua has acquired ownership or control of all components of the system and the land on which it is situated, including, but not limited to, bills of sale and properly recorded deeds and easements.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 553

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

AQUA NORTH CAROLINA, INC.

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide water utility service

in

GARDNER FARMS

Wake County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 595

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Aqua North Carolina, Inc.,)
for a Certificate of Public Convenience and)
Necessity to Provide Water Utility Service to)
Choplin Farms Subdivision in Nash County,)
North Carolina, and for Approval of Rates)
	ORDER GRANTING
	FRANCHISE AND APPROVING
	RATES

BY THE COMMISSION: On May 19, 2023, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) to provide water utility service to Choplin Farms subdivision in Nash County, North Carolina in accordance with N.C. Gen. Stat. § 62-110. On July 25, 2023, the Public Staff filed a letter outlining the deficiencies in the Application and indicating that the Public Staff considers the Application incomplete. On July 31, 2023, the Commission issued an Order Finding Application Incomplete and Request for Additional Information. On January 31, 2024, and February 14, 2024, Aqua filed additional information in response to the Public Staff's letter outlining deficiencies. On February 14, 2024, the Public Staff filed a letter outlining the deficiencies in the Amended Application and indicating that the Public Staff considers the Application incomplete. On February 15, 2024, Aqua filed supplemental information. On February 15, 2024, the Commission issued an Order Requiring Notice from the Public Staff. On February 16, 2024, the Public Staff filed a letter with the Commission indicating that this docket now includes all the information required for a complete application. On February 19, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On February 28, 2024, the Public Staff provided the information requested by the Commission. On February 29, 2024, the Commission issued an Order Scheduling Hearing and Establishing Discovery Guidelines (Scheduling Order).

On March 15, 2024, a Joint Motion to Cancel Hearing was filed by Aqua and the Public Staff (collectively, the Parties).

On March 18, 2024, the Commission issued an Order cancelling the requirement for prefiled testimony and cancelling the expert witness hearing.

On March 20, 2024, Aqua filed a letter clarifying information in the Application.

On April 1, 2024, the Public Staff presented this matter at the Commission's Regular Staff Conference. The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

Based upon the verified Application, and the entire record in this matter, the Commission makes the following

FINDINGS OF FACT

1. Aqua presently holds water franchises serving approximately 84,000 customers and sewer franchises serving approximately 21,000 customers throughout North Carolina. Aqua's record of service is satisfactory.

2. Aqua expects eventually to serve 102 water customers in Choplin Farms. The service area is shown on plans filed with the Application.

3. The North Carolina Department of Environmental Quality, Division of Water Resources, Public Water Supply Section, issued a plan approval letter for Choplin Farms, part of Water System No. NC4064037. The plans are approved under serial number 23-00578, dated November 30, 2023.

4. Aqua entered into a Water Utility System Agreement, dated February 28, 2023, with Axiom Property Development, LLC (Developer), under which (1) the Developer is installing the water utility system; (2) Aqua is acquiring the water system from Developer at \$2,350 per single-family residential equivalent (SFRE) payable quarterly based upon the number of SFREs connected during the previous quarter; (3) there is no connection fee; and (4) Aqua is requesting a one-time meter installation fee of \$70 for water service, to be paid by the builder or person first requesting service to a particular lot.

5. Aqua has filed all exhibits required with the Application.

6. Aqua has the technical, managerial, and financial capacity to provide water utility service in this franchise location.

7. Aqua proposes to charge its statewide, uniform water utility service rates approved for its other franchised service areas.

8. The Public Staff has recommended that Aqua be required to post a \$25,000 bond for Choplin Farms. Aqua currently has \$13,000,000 of bonds posted with the Commission. Of this amount, \$12,905,000 of bond surety is assigned to specific subdivisions and \$95,000 of bond surety is unassigned.

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission concludes that \$25,000 of Aqua's unassigned bond surety should be assigned to Choplin Farms, that the water utility franchise requested by Aqua in Choplin Farms should be granted, that a meter installation fee of \$70 for water utility service should be approved, and that the requested rates should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That \$25,000 of Aqua's unassigned bond surety is assigned to Choplin Farms. The remaining unassigned bond surety shall be \$45,000 (a total of \$50,000 is being assigned concurrently in Docket No. W-218, Subs 553 and 595);
2. That Aqua is granted a certificate of public convenience and necessity to provide water utility service in Choplin Farms in Nash County, North Carolina, and Appendix A, attached hereto, constitutes the Certificate of Public Convenience and Necessity;
3. That Aqua's existing Schedule of Rates approved by Commission Order issued on July 31, 2023, in Docket No. W-218, Sub 573, is approved for water utility service in Choplin Farms;
4. That a meter installation fee of \$70 for water utility service is approved for Choplin Farms;
5. That Aqua shall follow applicable state and federal laws and Commission guidance with respect to income tax gross-up on contributions in aid of construction per orders issued in Docket No. W-100, Sub 57;
6. That to the extent not previously filed in the docket, Aqua shall file, within 14 days of their availability, all completed exhibits to the Water Utility System Agreement including, but not limited to, deeds, easements, warranties, bills of sale, and written certifications of cost; and
7. That, to the extent not previously filed in the docket, Aqua shall file, within 14 days of their availability, copies of documents showing that Aqua has acquired ownership or control of all components of the system and the land on which it is situated, including, but not limited to, bills of sale and properly recorded deeds and easements.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 595

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

AQUA NORTH CAROLINA, INC.

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide water utility service

in

CHOPLIN FARMS

Nash County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1226, SUB 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Fairfield Water Company for	)	ORDER SCHEDULING
Authority to Adjust and Increase Rates for	)	HEARINGS, ESTABLISHING
Water Utility Service (Application) in Fairfield	)	DISCOVERY GUIDELINES, AND
Water's Service Area in Henderson County,	)	REQUIRING CUSTOMER
North Carolina	)	NOTICE

BY THE COMMISSION: On January 16, 2024, Fairfield Water Company (Applicant or Fairfield Water), filed an application with the Commission seeking authority to increase its rates for providing water utility service in Fairfield Water's service area in Henderson County, North Carolina (Application). The Application states that Fairfield Water serves 12 customers (11 quadrplexes and one church) in the Fairfield Water service area in Henderson County, North Carolina.

On February 12, 2024, the Commission issued an Order Establishing General Rate Case and Suspending Rates, which declared this proceeding to be a general rate case and suspended the proposed new rates for up to 270 days pursuant to N.C. Gen. Stat. § 62-137 and 134, respectively.

The present water rates for Fairfield Water became effective in Docket No. W-1226, Sub 3, and have been in effect since October 23, 2019. The present and proposed rates are as follows:

	<u>Present</u>	<u>Proposed</u>
<u>Monthly Metered Water Rates:</u>		
Base Charge, zero usage – Apartment Building	\$121.32	\$230.28
Base Charge, zero usage – Church	\$30.33	\$57.57
Usage Charge, per 1,000 gallons	\$4.76	\$6.12
<u>Reconnection Charges:</u>		
If water service is cut-off by utility for good cause	\$15.00	\$15.00
If water service discontinued at customer's request	\$15.00	\$15.00
Returned Check Charge:	\$24.00	\$24.00

The proposed rates would increase the average monthly bill for each quadruplex for water utility service from \$170.36 to \$293.33 based on 10,302 gallons of usage. The average monthly bill for the church water utility service would increase from \$32.73 to \$60.65 based on 503 gallons of usage.

The Public Staff – North Carolina Utilities Commission (Public Staff) presented this matter at the Commission's Staff Conference on April 1, 2024. The Public Staff recommended (1) that the matter be scheduled for a customer hearing for the sole purpose of receiving testimony from customers; (2) that the matter should also be scheduled for an expert witness hearing for the sole purpose of receiving expert witness testimony from Fairfield Water, the Public Staff, and other intervenors, if any; and (3) that Fairfield Water be required to provide all affected customers notice of the Application, including the applied for rates and the scheduled hearings.

Based on the foregoing and the recommendation of the Public Staff, the Commission hereby (1) establishes the procedural schedule, including filing requirements of Fairfield Water, the Public Staff, and other intervenors, and (2) requires that Fairfield Water provide all affected customers public notice of the Application, including the applied for rates and the scheduled hearings.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor testimony. Notice of deposition and all other discovery notices, requests, and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within two business days of the filing of such motion.

3. Formal discovery requests related to the Application and Fairfield Water's prefiled direct, and any supplemental, testimony shall be served on Fairfield Water by hand delivery, facsimile, or electronic delivery with Fairfield Water's agreement, no later than 14 calendar days prior to the filing of Public Staff and other intervenor testimony. Fairfield Water shall have up to three calendar days to file with the Commission objections to discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten calendar days prior to the deadline for the filing of Public Staff and other intervenor testimony.

4. Formal discovery requests related to the prefiled direct testimony of the Public Staff and other intervenors shall be served by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party no later than three business days after the filing of that party's testimony. The party served shall have up to three business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than six business days after the filing of that party's testimony.

5. Formal discovery requests related to Fairfield Waters's prefiled rebuttal testimony, if any, shall be served by hand delivery, facsimile, or electronic delivery with Fairfield Water's agreement, no later than two business days after the filing of such testimony. The party served shall have up to two business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than four business days after the filing of such rebuttal testimony. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, objections shall be filed with the Commission and the objecting party shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed, shall be answered within ten calendar days, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two business days to file with the Commission a motion to compel, and the party objecting to discovery shall have one business day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party by hand delivery, facsimile, or electronic delivery with the agreement of the receiving party, at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Commission urges all parties to work in a cooperative manner and to try to accommodate discovery within the time available. The Commission recognizes that in the past, most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside these guidelines.

Further, the Commission finds good cause to require all parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That the Application is scheduled for a customer hearing beginning at [Time] on [Day of Week], [Date], at the Henderson County Courthouse, Courtroom [Courtroom number], 200 N Grove Street, Suite 163, Hendersonville, North Carolina. *This hearing may be canceled if no significant protests are received on or before [Day of Week], [Date];*
2. That the customer hearing will be conducted solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the customer hearing pursuant to Commission Rule R1-21(g)(5);
3. That Fairfield Water is required to file a verified report addressing all customer service and service quality complaints expressed during the customer hearing held on [Day of Week], [Date], within 14 days of the conclusion of the customer hearing. The Public Staff shall and other intervenors may file a verified response and any comments to Fairfield Water's report on or before [Day of Week], [Date];
4. That the Application is scheduled for an expert witness hearing beginning at [Time], on [Day of Week], [Date], and continuing as necessary until its conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;
5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;
6. That on or before [Day of Week], [Date], any persons having an interest in this matter may file petitions to intervene in this proceeding pursuant to Commission Rules R1-5, R1-7, and R1-19;
7. That Fairfield Water shall consult with all other parties and file, no later than [Day of Week], [Date], a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than [Day of Week], [Date], make a filing indicating their points of disagreement with Fairfield Water's filing;
8. That an officer or representative of Fairfield Water is required to appear before the Commission at the time and place of the expert witness hearing to testify concerning any of the information contained in the Application;
9. That all parties filing supporting exhibits in PDF format shall provide to the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, where applicable, including all of the supporting tabs and formulas, within three days of the filing of such exhibits;

10. That Fairfield Water and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

11. That the Notice to Customers, attached hereto as Appendix A, shall be mailed with sufficient postage or hand delivered by Fairfield Water to all affected customers no later than ten days after the date of this Order; and

12. That Fairfield Water shall submit to the Commission the attached Certificate of Service, properly signed and notarized, not later than 20 days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**NOTICE TO CUSTOMERS
DOCKET NO. W-1226, SUB 4**

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Notice is hereby given that Fairfield Water Company (Applicant or Fairfield Water), 932 Hendersonville Road, Suite 201, Asheville, North Carolina filed for Authority to Increase Water Utility Service Rates in the Fairfield Water service area in Henderson County, North Carolina.

EFFECT OF RATES:

The present water rates for Fairfield Water were approved in Docket No. W-1226, Sub 3 and have been in effect since October 23, 2019. The present and proposed rates are as follows:

	<u>Present</u>	<u>Proposed</u>
<u>Monthly Metered Water Rates:</u>		
Base Charge, zero usage – Apartment Building	\$121.32	\$230.28
Base Charge, zero usage – Church	\$30.33	\$57.57
Usage Charge, per 1,000 gallons	\$4.76	\$6.12
<u>Reconnection Charges:</u>		
If water service is cut-off by utility for good cause	\$15.00	\$15.00
If water service discontinued at customer's request	\$15.00	\$15.00
Returned Check Charge:	\$24.00	\$24.00

The proposed rates would increase the average monthly bill for each quadruplex water utility service from \$170.36 to \$293.33 based on 10,302 gallons of usage. The average monthly bill for the church water utility service would increase from \$32.73 to \$60.65 based on 503 gallons of usage.

PROCEDURES FOR PUBLIC HEARINGS:

The Commission has scheduled the following hearings on the Application:

Customer hearing beginning at [Time] on [Day of the Week], [Date], to be held at the Henderson County Courthouse, Courtroom [Courtroom number], 200 N. Grove Street, Suite 163, Hendersonville, North Carolina. *The Commission may cancel the public*

*witness hearing if no significant protests are received through the submission of consumer statements (as discussed below) on or before [Day of the Week], [Date]. **Customers will not receive written notice if the public witness hearing is cancelled based on the lack of significant protest. Therefore, before attending the public hearing, please check the list of Upcoming Events on the Commission's homepage at www.ncuc.gov to determine whether the public hearing has been cancelled. Also, any order cancelling the public hearing and other information regarding this proceeding can be accessed using the Docket Search function on the Commission's website at www.ncuc.gov under Docket Numbers " W-1226 Sub 4" or using this link: <https://tinyurl.com/FairfieldDocket>.***

The customer hearing on [Day of the Week], [Date]. will be solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the customer hearing.

Expert witness hearing beginning at [Time] on [Day of Week], [Date], and continuing as necessary until its conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The hearing scheduled for [Day of the Week], [Date], shall be conducted solely for the purpose of receiving testimony of Fairfield Water, the Public Staff, and any other parties of record.

The Public Staff – North Carolina Utilities Commission (Public Staff) is authorized by statute to represent consumers in proceedings before the Commission. Consumer statements to the Public Staff should include the consumer's, contact information, and any information that the consumer wishes to be considered by the Public Staff in its investigation of the matter, and such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300. Consumer statements may also be faxed to (919) 715-6704.

Consumer statements may be submitted to the Commission via the web form at <https://www.ncuc.net/contactus.html>. *Consumer statements are not evidence unless those persons appear at a customer hearing and testify concerning the information contained in their consumer statements.*

The Attorney General is also authorized by statute to represent the consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Utilities Section, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. Written statements may also be e-mailed to utilityAGO@ncdoj.gov.

Persons desiring to intervene in this proceeding as formal parties of record should file a petition to intervene pursuant to Commission Rules R1-5, R1-7, and R1-19, on or before [Day of Week], [Date]. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The direct testimony and exhibits of expert witness to be presented by intervenors should also be filed with the Commission on or before [Date].

Information regarding this proceeding can also be accessed from the Commission's website at www.ncuc.gov under Docket Number "W-1226 Sub 4."

This the ____ day of _____, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers the attached Notice to Customers issued by the North Carolina Utilities Commission in Docket No. W-1226, Sub 4, and the Notice was mailed or hand delivered by the date specified in the Order.

This the _____ day of _____, 2024.

By:

Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required Notice to Customers was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-1226, Sub 4.

Witness my hand and notarial seal, this the _____ day of _____, 2024.

Notary Public

Printed Name

(SEAL) My Commission Expires:

Date

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