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September 12, 2023

Via Electronic Submittal

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street, Room 5063
Raleigh, NC 27603

Re: In the Matter of
Application by Aqua North Carolina, Inc. for Authority to Transfer the
Northgate Water System to the Town of Fuquay-Varina via Lear
Corporation
Docket No. W-218, Sub 551
Joint Motion to Excuse Witnesses from Prefiling Testimony

Dear Ms. Dunston:

On behalf of Aqua North Carolina, Inc. ("Aqua") and the North Carolina Public Staff ("Public Staff"), I herewith provide for filing in the above referenced docket, Joint Motion to Excuse Witnesses from Prefiling Testimony.

If you should have any questions concerning this filing, please let me know.

Thank you and your staff for your assistance.

Sincerely,
/s/ David T. Drooz
David T. Drooz
Attorney for
Aqua North Carolina, Inc.

pbb

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington

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Copy to: Megan Jost, NC Public Staff
Parties and Counsel of Record

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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-218, SUB 551

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application by Aqua North Carolina, Inc.,)
202 MacKenan Court, Cary, North)
Carolina 27511, for Authority to Transfer)
the Northgate Water System to the Town)
of Fuquay-Varina via Lear Corporation)

JOINT MOTION TO EXCUSE
WITNESSES FROM
PREFILING TESTIMONY

Aqua North Carolina, Inc. (Aqua or Company), through counsel, and the Public Staff – North Carolina Utilities Commission (Public Staff), through its Executive Director, Christopher J. Ayers (collectively, the Parties), request that the North Carolina Utilities Commission (Commission) excuse the Parties from the prefiled testimony requirements in the Commission's August 16, 2023, Order Scheduling Hearing, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order). In support of this Joint Motion, the Parties show the following.

1. The Scheduling Order provides that Aqua's prefiled direct testimony shall be filed by September 15, 2023; that the Public Staff and other intervenors' prefiled direct testimony shall be filed by September 26, 2023; and Aqua's prefiled rebuttal testimony, if any, shall be filed by October 6, 2023.

2. To date there is no intervention; the only parties in this docket are the Public Staff and Aqua. Neither Aqua nor the Public Staff have information indicating there might be an intervention by any other party.

3. The Parties filed a Settlement Agreement and Stipulation to Allow Recovery of Loss on Sale (Stipulation) on September 8, 2023. The Stipulation resolves all issues between the Parties, provided that agreement can be reached on closing and abandonment costs allowable for recovery beyond the loss on sale amount that is agreed upon in part II.B. of the Stipulation. The closing and abandonment costs referenced in Part II.C. of the Stipulation will not be known in full until closing occurs, so the Parties have agreed that Aqua will provide supporting invoices, the Public Staff will review that documentation, and reasonable and prudent closing and abandonment costs up to a limit of \$15,000 may be recovered pursuant to Part II.C. of the Stipulation.

4. Because the Parties have settled all known differences at this time and have provided a procedure to update the closing and abandonment costs at a later date, Aqua and the Public Staff have no issues between them that need to be resolved through presentation of prefiled expert witness testimony.

5. The Stipulation and verified application for transfer to an owner exempt from regulation provide a factual background sufficient to support an order without expert witness testimony.

6. The Public Staff may proceed to present this matter on the agenda for a Regular Staff Conference in lieu of hearing if there are no issues raised by customers. However, if the public witness hearing is not cancelled and customers do raise issues, the Parties would make witnesses available at the scheduled expert witness hearing to address those customer issues. Whether this will be

necessary can be determined after the October 3, 2023, date in the Scheduling Order for decision on cancellation of the public witness hearing.

7. Excusal of the Parties from the requirement to prefile expert witness testimony will serve administrative efficiency, save time, and save cost.

8. In the unlikely event that another party does intervene by September 26, 2023, then Aqua could be directed to prefile rebuttal testimony by October 6, 2023.

WHEREFORE, the Parties move that the Commission issue an order that excuses the Parties from the requirement that they prefile expert witness testimony in this matter.

Respectfully submitted, this the 12th day of September 2023.

Electronically Submitted

/s/David T. Drooz
David T. Drooz
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing JOINT MOTION TO EXCUSE WITNESSES FROM PREFILING TESTIMONY, filed by Aqua North Carolina, Inc. in Docket No. W-218, Sub 551, has been served on each of the parties of record in this proceeding, or their legal counsel, by email / electronic transmission or by deposit of same in the U. S. Mail, postage prepaid.

This the 12th day of September 2023.

Electronically Submitted

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