

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1320, SUB 0
DOCKET NO. W-1300, SUB 55
DOCKET NO. W-1320, SUB 2
DOCKET NO. W-661, SUB 9

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1320, SUB 0)
DOCKET NO. W-1300, SUB 55)

In the Matter of)
Application by ONSWC - Chatham North,)
LLC, 4700 Homewood Court, Suite 108,)
Raleigh, North Carolina 27609, and Old North)
State Water Company, LLC, 4700 Homewood)
Court, Suite 108, Raleigh, North Carolina)
27609, for Authority to Transfer the Briar)
Chapel Subdivision Wastewater System and)
Franchise in Chatham County, North Carolina,)
and Approval of Rates)

ORDER GRANTING
PETITION TO INTERVENE

DOCKET NO. W-1320, SUB 2)
DOCKET NO. W-661, SUB 9)

In the Matter of)
Application by ONSWC - Chatham North,)
LLC, 4700 Homewood Court, Suite 108,)
Raleigh, North Carolina 27609, and Fitch)
Creations, Inc., d/b/a Fearington Utilities,)
2000 Fearington Village Center, Pittsboro,)
North Carolina 27312, for Authority to Transfer)
the Fearington Village Wastewater System)
and Franchise in Chatham County, North)
Carolina, and Approval of Rates)

BY THE PRESIDING COMMISSIONER: On March 14, 2019, in Docket Nos. W-1320, Sub 0 and W-1300, Sub 55, ONSWC - Chatham North, LLC (Chatham North), and Old North State Water Company, LLC (Old North State), filed an application seeking authority to transfer to Chatham North, an affiliate of Old North State, the Briar Chapel Subdivision wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On August 5, 2019, in Docket Nos. W-1320, Sub 2 and W-661, Sub 9, Chatham North and Fitch Creations, Inc., d/b/a Fearington Utilities (FCI) filed an application seeking authority to transfer to Chatham North, the Fearington Village wastewater utility system assets and franchise in Chatham County, and for approval of rates.

On October 14, 2019, the Commission issued an Order Consolidating Dockets, Scheduling Hearings, and Requiring Customer Notice in these dockets scheduling a public hearing in Pittsboro on Tuesday, January 14, 2020, solely for the purpose of receiving testimony from the Briar Chapel and Fearington Village customers. In that order, the Commission further scheduled a hearing in Raleigh on Wednesday, January 22, 2020, solely for the purpose of receiving expert witness testimony from Chatham North, Old North State, FCI, the Public Staff, and any other intervenors.

Following the customer hearing the Commission issued an Order on January 21, 2020, at the request of the Public Staff canceling the January 22, 2020 expert witness hearing to allow for further investigation by the Public Staff and other intervenors.

On February 26, 2020, the Commission issued an Order rescheduling the expert witness hearing for June 16, 2020 and establishing deadlines for the filing of supplemental testimony by the parties.

On March 30, 2020, the Briar Chapel Community Association, Inc. (BCCA) filed a petition to intervene in this proceeding. In support of its petition, BCCA states that it is a nonprofit corporation organized under Chapters 55A and 47F of the General Statutes, having approximately 2,000 member-households in the Briar Chapel community located in Chatham County, North Carolina. BCCA further states that significant portions of BCCA's common-area property consist of easements in favor of ONSWC for wastewater infrastructure servicing Briar Chapel. If permitted to intervene in this proceeding, BCCA states that it intends to file supplemental testimony pursuant to the Commission's February 26 Order, and that BCCA will dispute significant portions of the representations and assertions made in ONSWC's report on the public hearing that was filed in this docket on January 14, 2020.

The Presiding Commissioner finds good cause exists to allow the requested intervention by BCCA. All parties are reminded that interventions are allowed with the expectation that intervening parties accept and are subject to scheduling orders as they exist at the time intervention is sought. The timing of the granting of intervention alone is not a basis for extensions of time or the re-scheduling of hearings or other proceedings. In addition, it is noted that discovery in proceedings before the Commission is most often conducted in an informal manner between the parties without the need for the involvement of the Commission. Accordingly, the parties are encouraged to conduct informal discovery, exchange information by agreement, and seek the establishment of

discovery guidelines or enforcement of discovery rules by the Commission only if necessary.

IT IS, THEREFORE, ORDERED as follows:

1. That BCCA is hereby allowed to intervene in this proceeding; and
2. That the names and addresses of the attorneys for BCCA are as follows:

G. Nicholas Herman
Brady N. Herman
1526 E. Franklin St., Ste. 200
Chapel Hill, NC 27514
(919) 929-3905
herman@broughlawfirm.com

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of April, 2020.

NORTH CAROLINA UTILITIES COMMISSION

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

Kimberley A. Campbell, Chief Clerk