

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

Docket No.: W-1297, Sub 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

PINNACLE BANK, as successor by merger	)	
with BANK OF NORTH CAROLINA,	)	
	)	
Complainant,	)	<u>MOTION FOR STATUS</u>
	)	<u>CONFERENCE AND TO</u>
v.	)	<u>SCHEDULE HEARING</u>
	)	
HARKERS ISLAND SEWER COMPANY,	)	
	)	
Respondent.	)	

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NOW COMES MRT-1, LLC, by and through counsel, and respectfully, and respectfully requests that the Commission schedule a status conference for the purposes of scheduling this matter for an evidentiary hearing, as follows:

1. Complainant initially filed its Complaint on May 2, 2019.
2. On May 10, 2019, the Commission issued its "Order Serving Complaint" directing Respondent HISCO to file an answer or other response on or before May 24, 2019.
3. On May 24, 2019, counsel for Respondent requested an extension of time through and including June 4, 2019. Complainant's counsel did not oppose the request for an extension of time, contingent upon it being for no longer than approximately 10 days.
4. By order entered May 30, 2019, the Commission granted the requested extension through and including June 4, 2019.
5. On June 3, 2019, counsel for Respondent requested a second extension of time through and including June 14, 2019.

6. On June 5, 2019, the Commission granted the requested extension through and including June 14, 2019.

7. On June 18, 2019, the Commission entered the Order Serving Corrected Answers and Responses, and directed Complainant to respond on or before July 1.

8. Following receipt of Respondent's Answer, on June 27, 2019, Complainant filed its first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

9. On July 31, 2019, Complainant filed its second motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

10. On August 19, 2019, Complainant filed its third first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

11. On September 19, 2019, Complainant filed its fourth motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission.

12. On October 21, 2019, Complainant filed its Response to the Answer of Respondent, said response outlining that the Respondent's Answer was not satisfactory, but also requesting the Commission keep the docket open for at least six months so that the matters complained of could be monitored by the Complainant and the Commission.

13. By order entered December 18, 2020, the Commission ordered that a hearing shall be held on Tuesday, April 27, 2021, at 9:30 a.m., for the purpose of receiving evidence from the parties regarding the complaint filed in this proceeding.

14. In connection with the foregoing order, the Commission ordered, in relevant part, that the direct testimony and exhibits of Complainant shall be filed on or before Monday, March 1, 2021; and that the direct testimony and exhibits of Respondent shall be filed on or before

Monday, March 29, 2021; and that the rebuttal testimony and exhibits of Complainant shall be filed on or before Monday, April 12, 2021.

15. Prior to April 19, 2021, Complainant agreed to Respondent's request for a mediation to be conducted prior to an evidentiary hearing. In connection therewith, on April 19, 2021, the Commission issued an order suspending the then current procedural schedule, continuing the hearing scheduled for April 27, 2021, and requiring the Public Staff and the parties to file jointly a status report regarding the mediated settlement discussions and the likelihood that the matter would proceed to hearing. On June 2, 2021, the Public Staff filed a report indicating that mediation had not resolved the dispute and that an evidentiary hearing would be necessary.

16. Subsequently on June 15, 2021, the Public Staff filed a request that this proceeding be held in abeyance until August 8, 2021, to allow Respondent to complete ongoing discussions regarding the possible sale of the utility to one of several larger Commission-regulated wastewater public utilities already in operation along the North Carolina coast. Respondent requested the foregoing abeyance, and again Complainant consented. On June 16, 2021, the Commission entered an order holding the matter in abeyance through August 11, 2021.

17. On September 14, 2021, the Public Staff notified the Commission that the Respondent's discussions regarding a possible sale of the utility were not successful and requested that an evidentiary hearing be scheduled in this matter.

18. On October 13, 2021, the Commission entered a new hearing schedule, and scheduled an evidentiary hearing to take place on December 14, 2021.

19. On December 7, 2021, counsel for Respondent filed a Motion to Continue the hearing schedule for December 14, 2021 to facilitate moving up a medical procedure. Again, Complainant consented to the foregoing request.

20. The hearing in the above-captioned matter has not been rescheduled.

21. Complainant has consented to delay a hearing in this matter to facilitate Respondent's request for a mediation, Respondent's request to have an opportunity to sell the wastewater treatment plant at issue herein, and to facilitate counsel for Respondent's medical procedure. Almost one year following the initially scheduled hearing, Complainant is entitled to a resolution of the issues outlined in the Complaint in this matter.

WHEREFORE, the undersigned counsel for Complainant MRT-1, LLC respectfully requests that the Commission schedule a status conference for the purposes of scheduling this matter for hearing.

This the 1st day of April, 2022.

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353  
Attorney for MRT-1, LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION FOR STATUS CONFERENCE on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.  
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