

Docket No.: W-1297, Sub 14

MRT-1, LLC, successor in interest to PINNACLE BANK,

Complainant,

v.

HARKERS ISLAND SEWER COMPANY

This **Supplemental Reply to the Answer of Harkers Island Sewer Company** is hereby submitted out of an abundance of caution. On April 9, 2020, MRT-1, LLC filed a Motion to Substitute MRT-1, LLC as the Complainant named in the above-referenced proceeding. On October 21, 2019, the previously named Complainant, Pinnacle Bank, requested this matter be held open for a period of not less than six (6) months so that the matters complained of can be monitored by Complainant, the Commission, and the Public Staff. MRT-1, LLC, through counsel, hereby supplements the previously filed Reply.

- () The relief offered in the Answer filed by Respondent is acceptable to me as Complainant, and I do not desire a public hearing in this proceeding.
- () The Answer filed by Respondent is not satisfactory to me as Complainant, and I hereby request a public hearing at which time I will present evidence in support of the Complaint.
- (X) Although the Answer filed by Respondent is not completely satisfactory to me as Complainant, I do not request a hearing at this time. I do request that the Commission keep this docket open for at least six (6) months so that the matters complained of can be monitored by Complainant, the Commission, and the Public Staff.

As further explanation, MRT-1, LLC is the new record title owner of the parcel of real property at issue in the above-referenced proceeding. MRT-1, LLC hereby requests an additional six (6) month period to allow MRT-1, the Commission, and the Public Staff to (i) monitor the matters complained of, and (ii) to allow ancillary issues to pass or otherwise be addressed that may allow these parties to avoid potentially expensive and unnecessary litigation costs. The global pandemic commonly known as Covid-19 has placed MRT-1, LLC's (and counsel's) respective schedules and availability in a state of flux that may not be resolved for some time. Additionally, it should be noted that a deadline appears to be approaching on or around April 19, 2020 relating to the Commission's bond requirement relating to Harkers Island Sewer Company. Moreover, upon information and belief, the Division of Water Quality has determined that Harker's Island Sewer Company wastewater treatment facilities are outdated and require replacement on or before August 1, 2020. These outstanding issues, once resolved by Harkers Island Sewer Company or the Commission, may obviate the need for further litigation in this matter, and MRT-1, LLC hereby respectfully seeks this matter be held open for an additional six (6) month period of time to monitor the foregoing matters. MRT-1, LLC reserves the right to supplement this reply to request that the

matters complained of in the Complaint submitted in this matter be placed on a hearing calendar before the Commission.

- () The Answer filed by Respondent is not satisfactory to me as Complainant and I Request the following additional information subject to the Commission review as to the Reasonableness of my request. (Detail)

Signature of Counsel for MRT-1, LLC:

Electronically submitted

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

THIS REPLY SHOULD BE RETURNED TO:
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing **SUPPLEMENTAL REPLY OF MRT-1, LLC TO RESPONDENT'S ANSWER TO COMPLAINT** 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.
DAVIS HARTMAN WRIGHT, PLLC
209 Pollock Street
New Bern, NC 28560
Email: icw@dhwlegal.com
Attorney for Respondent HISCO

This the 9th day of April, 2020.

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353
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OF COUNSEL:

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