

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 0
DOCKET NO. W-1130, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Currituck Water and Sewer,)
LLC, 4700 Homewood Court, Suite 108,)
Raleigh, North Carolina 27609, and Sandler)
Utilities at Mill Run, LLC, 448 Viking Drive,)
Suite 220, Virginia Beach, Virginia 23452,)
for Authority to Transfer the Sandler Utilities at)
Mill Run Wastewater System and Public Utility)
Franchise in Currituck County, North Carolina,)
and for Approval of Rates)

ORDER EXCUSING CERTAIN
WITNESSES FROM EXPERT
WITNESS HEARING

BY THE CHAIR: On May 19, 2021, Currituck Water and Sewer, LLC (Currituck) and Sandler Utilities at Mill Run, LLC (Sandler) filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates, seeking authority to transfer the wastewater utility system and public utility franchise serving Eagle Creek Subdivision, Eagle Creek Golf Club and Grill, and Moyock Middle School in Currituck County, North Carolina, from Sandler to Currituck and approval of rates (the Joint Application).

On November 18, 2021, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Public Notice (Scheduling Order) requiring, among other things, that the Application is scheduled for an expert witness hearing beginning at 10 a.m. on Tuesday, April 5, 2022, and continuing as necessary until conclusion.

On March 24, 2022, the Public Staff filed a motion requesting to delay the expert witness hearing until April 12, 2022, based on extensions of various discovery and procedural deadlines granted by the Commission leading up to the hearing date. On March 30, 2022, the Commission issued an order continuing the expert witness hearing to 1 p.m. on Monday, May 9, 2022.

On May 5, 2022, Currituck filed a motion to continue the hearing for three weeks to allow the parties to engage in settlement negotiations. The Public Staff indicated it agreed to a request for a 30-day continuance. On May 6, 2022, the Commission issued an order continuing the expert witness hearing to 10 a.m. on June 8, 2022.

On June 3, 2022, the Public Staff filed a motion to continue the evidentiary hearing scheduled for June 8, 2022, for one day. The Public Staff states that the parties intend to file

a Stipulation and Settlement Agreement on Monday, June 6, 2022, and request the additional day to allow the Commission adequate time to review and evaluate the proposed Stipulation. The Public Staff notes that neither Currituck nor Sandler objects to the motion. The Commission issued an order on June 6, 2022, denying the Public Staff's motion to continue the expert witness hearing.

On June 6, 2022, the parties filed a Settlement Agreement and Stipulation (Stipulation) with supporting testimony and exhibits and a Second Amended Consent Judgment stating that they have reached agreement on all issues in this proceeding. Contemporaneously with the Stipulation, the parties filed a joint motion requesting to excuse certain witnesses from appearing at the June 8 expert witness hearing. The parties state that they have agreed to waive cross-examination of each other's witnesses, request that the prefiled testimonies and exhibits of Currituck witnesses William Freed, Mark Bissell, Zach Basnight, Paul Beaumont, Robert Hanig, Gary Lickfeld, and Tracy Miller; Sandler witness Brittney Willis; and Public Staff witnesses Iris Morgan, Phat Tran, David May, and Robert Tankard be received into evidence and made part of the record in this matter, and that they be excused from appearing at the June 8 expert witness hearing.

Based on the foregoing and the entire record herein, the Chair finds good cause to excuse all expert witnesses in this matter except Currituck witness Meyers and Public Staff witnesses Franklin and Morgan from testifying at the expert witness hearing and to receive the excused witnesses' prefiled testimony and exhibits into the record.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 7th day of June, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Erica N. Green". The signature is written in a cursive, flowing style.

Erica N. Green, Deputy Clerk