

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 5

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, for a Certificate of Public Convenience and Necessity to Provide Water and Sewer Service to Carolina Village Subdivision in Currituck County, North Carolina, and for Approval of Rates))) PUBLIC STAFF'S RESPONSE) TO CURRITUCK'S MOTION) TO RESCHEDULE HEARING)))

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully responds to the Motion to Reschedule Hearing (Motion) filed by Currituck Water and Sewer, LLC (Currituck), on February 16, 2024.

In its Motion, Currituck moves the Commission for an order rescheduling the hearing for the purpose of receiving public witness testimony on Currituck's Application for a Certificate of Public Convenience and Necessity to Provide Water and Sewer Service to the Carolina Village Subdivision in Currituck County, North Carolina, and for Approval of Rates (Application) established by the Commission's Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) issued on February 14, 2024. Currituck requested that the public witness hearing be rescheduled to June 3, 2024, or thereafter. Currituck did not contact the Public Staff before filing the Motion. The

Public Staff does not oppose the relief Currituck requests in the Motion so long as (1) all other milestones set forth in the Scheduling Order are extended by the same number of business days as the requested reschedule of the public witness hearing, and (2) Currituck waives the statutory deadline set forth in North Carolina Gen. Stat. § 62-111(f)(1). In support of its request, the Public Staff respectfully shows the Commission the following:

1. The public witness hearing is currently scheduled to begin at 7:00 p.m. on Monday, May 20, 2024, and may be canceled by the Commission if no significant protests are received on or before Monday, May 13, 2024.

2. The deadline by which the Public Staff's prefiled direct testimony and exhibits must be filed is Wednesday, May 29, 2024.

3. The earliest date Currituck proposed for a rescheduled public witness hearing is Monday, June 3, 2024, which is five days after the Public Staff's direct testimony filing deadline.

4. The Public Staff must hear from customers impacted by the transaction proposed in the Application to adequately represent their interests before the Commission and carry out its primary purpose of representing the using and consuming public. The Public Staff hears from those customers during the public witness hearing. The public witness hearing is particularly important in this proceeding for two reasons. First, Currituck presently owns and, through an entity under common ownership and control (Envirolink, Inc.), operates the water and

sewer system serving the Carolina Village subdivision (Carolina Village or System). Second, Carolina Village is not currently regulated by the Commission, which means that the Public Staff's Consumer Services Division is not a meaningful repository of information about customers' experiences because customer complaints about the System are not recorded.

5. Rescheduling the public witness hearing to a date that falls after the Public Staff's filing deadline means the Public Staff will lack the context necessary to fully evaluate Currituck's ability to own and operate the System in a manner that is consistent with the public interest.

6. Extending the other milestones in the Scheduling Order will give Currituck's counsel the flexibility requested in Currituck's Motion without causing harm to other participants in the proceeding.

7. Requiring Currituck to waive the statutory deadlines in N.C.G.S. § 62-111(f)(1) as a condition of the Commission granting the reschedule requested in Currituck's Motion also gives Currituck's counsel the flexibility requested without creating hardship for the Commission.

WHEREFORE, for the foregoing reasons, the Public Staff respectfully requests the following:

1. That the Commission issue an order granting Currituck's Motion, extending all other milestones set forth in the Scheduling Order by the same number of business days as the requested reschedule of the public witness

hearing, provided Currituck agrees to waive the statutory deadline set for in N.C.G.S. § 62-111(f)(1); or

2. That the Commission issue an order denying Currituck's Motion.

Respectfully submitted this 19th day of February, 2024.

PUBLIC STAFF
Christopher J. Ayers
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Electronically submitted
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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Response upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 19th day of February, 2024.

Electronically submitted
/s/ Reita D. Coxton