

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 553

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Aqua, North Carolina, Inc.,)	
for a Certificate of Public Convenience)	ORDER SCHEDULING
and Necessity to Provide Water Utility)	HEARING AND ESTABLISHING
Service to Gardner Farms in Wake County,)	DISCOVERY GUIDELINES
North Carolina and for Approval of Rates)	

BY THE COMMISSION: On July 28, 2022, Aqua North Carolina, Inc. (Aqua) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water utility service to the Gardner Farms subdivision in Wake, North Carolina.

Aqua proposes to serve 43 residential customers in the Gardner Farms subdivision, a new service area in Wake County, North Carolina. Aqua indicates that it will purchase the water system from the developer for \$1,750 per single family residential equivalent with no connection fee. Aqua states that its planned improvements are limited to routine replacement of pumps, motors, and piping. Aqua proposes to charge the same uniform rates approved in Docket No. W-218, Sub 573 (WSIP Rate Years 1-3), which are as follows for WSIP Rate Year 2:

Monthly Metered Water Service

Base charge, zero usage:

<1 " meter	\$21.70
Usage charge per 1,000 gallons	\$ 8.86

Reconnection charge:

If water service is cut off by utility	\$35.00
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On July 25, 2023, the Public Staff filed a letter outlining deficiencies in the Application and recommended that the Commission find the Application incomplete. On July 31, 2023, the Commission issued an Order Finding Application Incomplete and Request for Additional Information. On January 31, 2024, Aqua filed an amended Application in response to the Public Staff's deficiency letter.

On February 14, 2024, the Public Staff filed a second deficiency letter outlining additional deficiencies in the Application and indicated that the Public Staff considered

the Application incomplete. Also on February 14, 2024, the Commission issued a Second Order Finding Application Incomplete and Request for Additional Information. On that same date, Aqua filed additional information in response to the Public Staff's second deficiency letter.

On February 21, 2024, the Public Staff filed a letter indicating that this docket now includes all the information required for a complete application. On February 23, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On March 1, 2024, the Public Staff provided the information requested by the Commission.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of Aqua, the Public Staff, and other intervenors.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and other intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the Application and Aqua's prefiled direct testimony shall be served on Aqua no later than 5 business days prior to the deadline for filing of the Public Staff and other intervenor testimony. The party served shall have up to 3 business days to file with the Commission objections to discovery requests on an item-by-item basis.

4. Formal discovery requests related to the Public Staff or other intervenors prefiled direct testimony shall be served no later than 5 business days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis.

5. Formal discovery requests related to Aqua's prefiled rebuttal testimony shall be served on Aqua no later than 3 business days after such testimony is filed. The party served

shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Commission urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Commission finds good cause to require Aqua and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving expert witness testimony on Aqua's Application is scheduled to begin at 2:00 p.m. on Monday, May 20, 2024, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

2. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

3. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Monday, April 22, 2024;

4. That Aqua's direct testimony and exhibits shall be filed on or before Friday, April 5, 2024;

5. That the Public Staff and other intervenors direct testimony and exhibits shall be filed on or before Monday, April 22, 2024;

6. That Aqua's rebuttal testimony and exhibits, if any, shall be filed on or before Monday, May 6, 2024;

7. That an officer or representative from Aqua is required to appear before the Commission at the time and place of the expert witness hearings to testify concerning any of the information contained in the Application;


8. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

9. That Aqua shall consult with all other parties and file, no later than Wednesday, May 15, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Friday, May 17, 2024, make a filing indicating their points of disagreement with Aqua's filing.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of March 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk