

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1146, SUB 13
DOCKET NO. W-1328, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Red Bird Utility Operating)	
Company, LLC, and Total Environmental)	ORDER DELAYING HEARING
Solutions, Inc., for Authority to Transfer the)	AND DENYING MOTION FOR
Lake Royale Subdivision Water and)	SUBSTITUTION OF WITNESS
Wastewater Utility Systems and Public Utility)	AND ADOPTION OF
Franchise in Franklin and Nash Counties,)	TESTIMONY
North Carolina, and for Approval of Rates)	

BY THE PRESIDING COMMISSIONER: On June 7, 2021, Red Bird Utility Operating Company, LLC (Red Bird), and Total Environmental Solutions, Inc. (TESI), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and wastewater utility systems and public utility franchise serving Lake Royale Subdivision (Lake Royale) in Franklin and Nash Counties, North Carolina, from TESI to Red Bird and approval of rates.

On July 11, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) scheduling, among other things, an expert witness hearing to begin at 2:00 p.m., on Monday, October 23, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603.

On October 12, 2023, Red Bird filed a motion for substitution of witness and adoption of testimony (Motion) in the above-captioned docket. In support of its motion, Red Bird states that “Josiah Cox will not be available to testify at the expert witness hearing on October 23, 2023, because on that day he is to attend a meeting that cannot be rescheduled with Commissioners from the Louisiana Public Service Commission.” Red Bird requests that Todd Thomas, one of Red Bird’s rebuttal witnesses, be allowed to adopt Mr. Cox’s direct testimony and exhibits, as filed, and testify at the expert witness hearing in his stead.

On October 13, 2023, the Public Staff filed its Objections to Red Bird’s motion. The Public Staff states that given Mr. Cox’s personal involvement with the issues raised in his testimony regarding CSWR’s corporate structure, the contact between Central States and TESI to purchase the TESI systems, and the procurement of financing for CSWR, among other topics, the Public Staff believes that it is necessary that Mr. Cox personally appear

and provide testimony in order to ensure a complete and accurate record. The Public Staff states that it does not appear that Mr. Thomas would have the firsthand knowledge possessed by Mr. Cox on these issues as expressed in his direct testimony and discovery responses provided to the Public Staff.

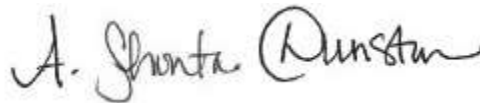
After careful consideration, the Presiding Commissioner finds good cause to delay the expert witness hearing by one day to accommodate Mr. Cox's scheduling conflict. The expert witness hearing will now begin on Tuesday, October 24, 2023, at 11:00 a.m., and Mr. Cox is required to appear at the expert witness hearing to ensure a complete and accurate record in this matter.

IT IS, THEREFORE, ORDERED that Red Bird's Motion is denied and that the expert witness hearing scheduled in this matter will be delayed by one day and shall begin at 11:00 a.m. on Tuesday, October 24, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk