

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. G-41, SUB 59

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Toccoa Natural Gas for Annual Review of Gas Costs Pursuant to N.C. Gen. Stat. § 62-133.4(c) and Commission Rule R1-17(k)(6))))))	ORDER EXCUSING WITNESSES, ACCEPTING TESTIMONY, CANCELING EXPERT WITNESS HEARING, AND SETTING DATE FOR PROPOSED ORDERS
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BY THE PRESIDING COMMISSIONER: On August 29, 2023, Toccoa Natural Gas (Toccoa or Applicant), filed testimony and exhibits (testimony) of Harry F. Scott, Jr., and Rai Trippe in the above-captioned docket. Toccoa’s testimony was filed pursuant to N.C. Gen. Stat. § 62-133.4(c) and Commission Rule R1-17(k)(6), initiating an annual review of Toccoa’s gas costs.

On September 8, 2023, the Commission issued an Order Scheduling Hearing, Requiring Filing of Testimony, Establishing Discovery Guidelines, and Requiring Public Notice that established discovery procedures, required that Public Staff and intervenor testimony be filed by October 17, 2023, and scheduled a hearing for November 1, 2023, to receive public and expert witness testimony.

On September 29, 2023, Toccoa filed a Motion for Partial Suspension of Hearing Schedule. In its motion Toccoa requested that the Commission suspend further filing deadlines in this matter and continue the expert witness portion of the November 1, 2023 hearing to allow the Public Staff time to conclude its investigation, but to hold the public witness hearing as scheduled. In support of its motion, Toccoa stated that it had been working with the Public Staff to attempt to resolve some issues and that Toccoa and the Public Staff needed several more weeks to complete their discussions. Further, Toccoa stated that the Public Staff supported the motion.

On October 5, 2023, the Commission issued an Order granting Toccoa’s motion. The Order suspended the procedural schedule, continued the expert witness portion of the hearing until further order by the Commission, and maintained the setting of the public witness hearing to be held on November 1, 2023.

The public witness hearing was held on November 1, 2023. No public witnesses appeared to provide testimony. After a discussion with counsel for Toccoa and the Public Staff, the Presiding Commissioner stated that the expert witness hearing would be rescheduled for Tuesday, January 30, 2024, at 10:00 a.m., with an order to be issued setting forth the details.

On November 2, 2023, the Commission issued an Order requiring the Public Staff to file its testimony on or before Tuesday, January 16, 2024, Toccoa to file its rebuttal testimony, if any, on or before Friday, January 26, 2024, and scheduling the expert witness hearing to be held on Tuesday, January 30, 2024, at 10:00 a.m.

On January 16, 2024, the Public Staff filed the testimony of Charles A. Akpom and Andrew R. S. Puglisi. No other person intervened or filed testimony in the docket.

On January 17, 2024, Toccoa and the Public Staff (Movants), filed a joint motion requesting that the Commission excuse Movants' expert witnesses from attending the January 30, 2024 hearing. Movants stated that there does not appear to be any matter in dispute between them, including the calculation of the deferred account balance and a new rate decrement amount. Movants further stated that they have agreed to waive cross-examination of each other's witnesses and consent to the introduction of each other's testimony and exhibits into the record without the necessity for the appearance of the witnesses.

Based on the foregoing and the record, the Presiding Commissioner finds good cause to excuse Toccoa's and the Public Staff's expert witnesses from testifying at the expert witness hearing on January 30, 2024, to receive the witnesses' testimony and exhibits into evidence, and to cancel the expert witness hearing.

Finally, the Presiding Commissioner finds good cause to require that Toccoa and the Public Staff file proposed orders, or a joint proposed order, on or before February 29, 2024.

IT IS, THEREFORE, ORDERED as follows:

1. That Toccoa's and the Public Staff's expert witnesses are excused from appearing and testifying at the hearing on January 30, 2024, their testimony and exhibits are hereby accepted into evidence, and the expert witness hearing is canceled; and
2. That on or before February 29, 2024, Toccoa and the Public Staff shall file proposed orders, or a joint proposed order.

ISSUED BY ORDER OF THE COMMISSION.

This the 25th day of January, 2024.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk