

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1297, SUB 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
MRT-1, LLC,	)	
Complainant	)	
	)	
v.	)	ORDER CONTINUING HEARING
	)	
Harkers Island Sewer Company,	)	
Respondent	)	

BY THE PRESIDING COMMISSIONER: This proceeding was instituted by the filing of a complaint with the Commission on May 2, 2019, by Pinnacle Bank, as successor by merger with Bank of North Carolina, against Harkers Island Sewer Company (Respondent or HISC). Pursuant to the Commission’s Order of October 22, 2020, MRT-1, LLC (Complainant), was substituted as the party-complainant.

On April 16, 2021, the Public Staff filed a Notice of Intervention<sup>1</sup>, Mediation, and Request for Continuance in Complaint Proceeding. In its filing, the Public Staff informed the Commission that it would investigate this complaint and make recommendations to the Commission should the matter proceed to a contested evidentiary hearing subsequent to mediation.

On May 12, 2021, all parties attended a mediated settlement conference. On June 2, 2021, the Public Staff filed a Report on Mediation notifying the Commission that the mediation was not successful, and an evidentiary hearing would be necessary.

On June 15, 2021, the Public Staff filed a request to hold this matter in abeyance until August 8, 2021, to allow Respondent to complete negotiations regarding the possible sale of Harkers Island Sewer Company.

On June 16, 2021, the Commission issued an order holding this proceeding in abeyance and requiring the parties to file status updates on or before August 11, 2021. On September 14, 2021, the parties filed a joint request for an evidentiary hearing reporting that discussions with three potential buyers regarding a possible sale of HISC

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<sup>1</sup> The Public Staff’s intervention is recognized and accepted under N.C.G.S. § 62-15(d)(3) and (6). Its duty to investigate and make a recommendation in this matter is authorized and accepted by the Commission pursuant to N.C.G.S. § 62-15(7).

had not been successful and requesting that the Commission schedule an evidentiary hearing.

On October 13, 2021, the Commission issued an order scheduling the matter for evidentiary hearing on Tuesday, December 14, 2021.

On December 7, 2021, Respondent filed a motion to continue the hearing scheduled for December 14, 2021, or in the alternative, allow Clark Wright, counsel for Respondent, to withdraw as counsel and allow Mr. Laws, sole operator and manager of HISC, to appear on behalf of Respondent. Mr. Wright informed the Commission that due to a health issue; he is scheduled for in-patient surgery on December 13, 2021, and will not be available to attend the December 14 Hearing. All other parties were consulted, and the Commission is informed they have agreed to a continuance of the hearing.

Based on the record, the medical emergency supporting the request for continuance, and the parties' consent to a continuance, the Presiding Commissioner finds good cause to continue the December 14 Hearing and will issue a subsequent order setting a new hearing date. The hearing will not be re-scheduled for a date sooner than 30 days from the issuance of this order.<sup>2</sup>

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of December, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk

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<sup>2</sup> Having granted the requested continuance, the Commission determines Respondent's alternative motion is moot, but notes that Commission Rule R1-22 does not allow, Mr. Laws, who is not a licensed attorney, to represent the Respondent.