

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

**STAFF CONFERENCE AGENDA
April 5, 2021**

***IMPORTANT NOTE: STAFF CONFERENCE
WILL BE CONDUCTED VIA WEBEX.
INSTRUCTIONS FOR PARTICIPATION AND A LINK TO VIEW
THE MEETING WILL BE POSTED ON THE COMMISSION'S
WEBSITE, NCUC.NET***

COMMISSION STAFF

- P1. [DOCKET NO. E-7, SUB 1017 – INVESTIGATION REGARDING THE APPROVAL AND CLOSING OF THE BUSINESS COMBINATION OF DUKE ENERGY CORPORATION AND PROGRESS ENERGY, INC.](#)

PUBLIC STAFF

D. ELECTRIC

- P1. [APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITIES](#)

E. WATER

- P1. [DOCKET NO. W-218, SUB 537 – AQUA NORTH CAROLINA, INC. – APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY EXHIBIT NO. P-1](#)
- P2. [DOCKET NO. W-1305, SUB 28 – PLURIS HAMPSTEAD, LLC - NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA EXHIBIT NO. P-2](#)
- P3. [DOCKET NO. W-1305, SUB 29 – PLURIS HAMPSTEAD, LLC, AND DOCKET NO. W-1300, SUB 69 – OLD NORTH STATE WATER COMPANY, LLC – MOTION TO ALLOW BULK WASTEWATER TREATMENT SERVICE BY PLURIS HAMPSTEAD EXHIBIT NO. P-3](#)

COMMISSION STAFF

P1. DOCKET NO. E-7, SUB 1017 – INVESTIGATION REGARDING THE APPROVAL AND CLOSING OF THE BUSINESS COMBINATION OF DUKE ENERGY CORPORATION AND PROGRESS ENERGY, INC.

EXPLANATION: On December 12, 2012, the Commission approved a Settlement Agreement among Duke Energy Corporation (Duke), the Public Staff, and the Commission Staff arising out of the Commission's investigation into the merger of Duke and Progress Energy, Inc. Section II.B of that Settlement Agreement required Duke to create and maintain a committee of the Board of Directors, the Regulatory Policy and Operations Committee, to meet with and discuss activities and actions with the Commission and to then advise the Duke Board of the content of the discussions it had with the Commission.

After further discussions between Duke, the Public Staff, and the Commission Staff, the settling parties have agreed to an amendment to the Settlement Agreement that reflects a change in the committee organization of the Duke Energy Board of Directors while retaining the previously agreed upon open line of communication between the Commission and Duke's Board. The Corporate Governance Committee of the Board, which is currently and traditionally chaired by the lead independent director, will assume the responsibility of periodically or upon request meeting with the Commission and then advising the full Board of the content of the discussions. The remaining provisions of the Settlement Agreement will continue unchanged.

The Commission Staff considers the amendment to the Settlement Agreement to be in the public interest and to maintain, if not improve, the Commission's access to the Board and the level of attention of the Board to the Commission and to the regulatory obligations of Duke's utility subsidiaries in North Carolina.

The recommended amendment was filed in this docket on March 26, 2021.

RECOMMENDATION: That the Commission issue an order approving the amendment to the Settlement Agreement.

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PUBLIC STAFF

TO: Agenda – Commission Conference – April 5, 2021

FROM: PUBLIC STAFF – North Carolina Utilities Commission

D. ELECTRIC

P1. APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT SOLAR FACILITIES

EXPLANATION: The following applications seek certificates of public convenience and necessity for construction of a solar photovoltaic (PV) electric generating facilities, pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-64.

Duke Energy Progress:

- Docket No. SP-8753, Sub 0 – Application of Marley Solar, LLC, for an amended certificate of public convenience and necessity to construct a 75-MW solar PV facility in Lenoir County, North Carolina. (registration statement issued previously)
- Docket No. SP-19387, Sub 0 – Application of Olin Creek Farm Solar, LLC for a certificate of public convenience and necessity to construct a 35-MW solar PV facility in Iredell County, North Carolina

The Public Staff has reviewed the applications and determined that they comply with the requirements of N.C.G.S. § 62-110.1 and Commission Rule R8-64.

RECOMMENDATION: (Lawrence) That the Commission issue orders approving the applications and issuing the requested certificates for the facilities. Proposed orders have been provided to the Commission Staff.

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E. WATER

P1. DOCKET NO. W-218, SUB 537 – AQUA NORTH CAROLINA, INC. – APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

EXPLANATION: On August 11, 2020, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) to provide water and sewer utility service in The Enclave at City Park subdivision in Mecklenburg County, North Carolina. Aqua filed amendments to the Application on February 19, February 23, and February 25, 2021. Aqua proposes to charge the rates currently approved for its other franchised service areas where bulk water and sewer utility service is purchased from the City of Charlotte. The service area is shown on plans filed with the application.

The North Carolina Department of Environmental Quality, Division of Water Resources, Public Water Supply Section, issued a plan approval letter for The Enclave at City Park, part of Water System No. NC2060100. The plans are approved under serial number 20-00590, dated September 8, 2020.

The North Carolina Department of Environmental Quality, Division of Water Resources, issued permit number WQ0041155, dated January 6, 2020, for the construction and operation of The Enclave at City Park, wastewater collection system extension.

Aqua entered into an agreement dated July 27, 2020, with Price Lane Charlotte, LLC (Developer), under which Developer is installing the water and wastewater utility systems (Agreement). Aqua is acquiring the wastewater system from Developer at no cost. Aqua is requesting a one-time meter installation fee of \$70 for water service, to be paid by the builder or person first requesting service to a particular lot. Aqua is purchasing the water system from Developer for \$1,600 per single-family residential equivalent,¹ payable quarterly based upon the number of water service meters installed during the previous quarter.

The Agreement states that prior to closing, Developer shall pay to Aqua the grossed-up tax payment applicable to contributions in aid of construction. Aqua will not close and will not provide services until it receives the grossed-up tax payment.

Aqua presently holds water franchises serving approximately 82,000 customers and wastewater franchises serving approximately 20,000 customers in North Carolina. Aqua's record of service is satisfactory.

Aqua has filed all exhibits required with the Application.

¹ Pursuant to the Agreement, the Developer pays at closing the gross up on the entire certified cost of the water and sewer systems constructed by the Developer and contributed to Aqua. Due to this upfront payment by the Developer, pursuant to the Agreement, when purchase price payments are subsequently made by Aqua to the Developer as customer connections are made, Aqua reimburses the Developer for the gross up previously paid on contributions in aid of construction.

Based on the foregoing, the Public Staff is of the opinion that Aqua has the technical, managerial, and financial capacity to provide water and sewer utility service in this franchise location and recommends that the certificate of public convenience and necessity be issued. The Public Staff further recommends that the Commission require posting of a \$20,000 bond for the franchise in The Enclave at City Park. Aqua currently has \$13,000,000 of bonds posted with the Commission, which includes enough unassigned funds to provide the bond recommended in this docket.

EXHIBIT: A copy of the proposed order is attached as [Exhibit No. P-1](#).

RECOMMENDATION: (Junis/Feasel/Coxton) That the Commission issue the proposed order granting the franchise and approving rates.

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P2. DOCET NO. W-1305, SUB 28 – PLURIS HAMPSTEAD, LLC - NOTIFICATION OF INTENTION TO BEGIN OPERATIONS IN CONTIGUOUS SERVICE AREA

EXPLANATION: On February 5, 2021, Pluris Hampstead, LLC (Pluris Hampstead or Company), filed a Notification of Intention to Begin Operations (Notification) to provide sewer utility service at Coastal Plantation, Phase IV, which is contiguous to the Company's existing service area in Coastal Plantation (Community) in Pender County, North Carolina. The Company proposes to eventually service 138 residential customers, a pool complex, and a fitness center.

On February 24, 2021, Pluris Hampstead amended its application to request that customers in the new service area be subject to the rates approved in Docket No. W-1305, Sub 12. Those rates went into effect on November 13, 2020.

The North Carolina Department of Environmental Quality, Division of Water Resources, issued Permit No. WQ0040752 to Pluris Hampstead. The permit was dated May 8, 2019, and authorized the construction and operation of approximately 8,528 linear feet of 8-inch gravity sewer, a 68-gallon per minute pump station, and approximately 1,440 linear feet of 3-inch force main to serve 138 two-bedroom residences, a pool complex, and a fitness center with a total potential discharge of 20,810 gallons per day of collected domestic wastewater into Pluris Hampstead's existing sewerage system.

Pluris Hampstead entered into an Agreement for Sanitary Sewer Service (Agreement), dated September 9, 2016, with Jensen's Inc. (Developer) that requires (1) the Developer to construct and install the complete wastewater collection system throughout the Community at no cost to Pluris Hampstead, and (2) Pluris Hampstead to construct or reconstruct the Community's existing lift stations and an interconnect pipeline from the lift stations to Pluris Hampstead's existing force main, which connects to its wastewater treatment plant. Developer is also paying a one-time reuse water return fee of \$700 per connection payable to Blake Farm Pond, LLC, at the time of connection.

Pluris Hampstead is requesting a one-time connection fee of \$1,067 per two-bedroom residence upon application for service and prior to service being provided. The builder or person first requesting service at a particular lot is responsible for the connection fee.

On August 26, 2019, in Docket No. W-100, Sub 57, the Commission issued its Order Addressing Federal Income Taxes on Contributions in Aid of Construction. Ordering paragraph 2 of that Order provides that "all certificated water and wastewater companies shall collect from contributors the income tax on [Contributions in Aid of Construction] for new contributions contracted for on or after October 5, 2018, using the full gross up method."

The Agreement between Pluris Hampstead and the Developer was executed on September 9, 2016, and, as such, is not subject to the full gross-up requirements in the Commission's August 26, 2019 Order.

Pluris Hampstead serves approximately 436 residential and 69 commercial sewer customers in North Carolina. Its record of service is satisfactory.

Pluris Hampstead has filed all exhibits required with the Notification.

Based on the foregoing, the Public Staff is of the opinion that Pluris Hampstead has the technical, managerial, and financial capacity to provide sewer utility service in Coastal Plantation, Phase IV and recommends that the contiguous extension be recognized. The Public Staff recommends that the Commission require posting of bond in the amount of \$10,000 for the contiguous extension. Pluris Hampstead currently has \$500,000 of bonds posted with the Commission. Of this amount, \$120,000 of bond surety is assigned to specific subdivisions, and \$380,000 of bond surety is unassigned.

EXHIBIT: A copy of the proposed order is attached as [Exhibit No. P- 2.](#)

RECOMMENDATION: (Casselberry/Feasel/Coxton) That the Public Staff's proposed order be issued accepting and approving bond; recognizing the contiguous extension; and approving rates.

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P3. DOCKET NO. W-1305, SUB 29 – PLURIS HAMPSTEAD, LLC, AND DOCKET NO. W-1300, SUB 69 – OLD NORTH STATE WATER COMPANY, LLC – MOTION TO ALLOW BULK WASTEWATER TREATMENT SERVICE BY PLURIS HAMPSTEAD

EXPLANATION: On October 9, 2020, Pluris Hampstead, LLC, (Pluris Hampstead) filed a joint application with Old North State Water Company, LLC (ONSWC), seeking authority to acquire the sewer systems serving Majestic Oaks and Hampstead Shopping Center, Southside Commons (formerly Grey Bull), Majestic Oaks West, and Salter’s Haven at Lea Marina (collectively, the “Service Area”) in Pender County, North Carolina. The application stated that there are 171 customers. Pending before the Commission under Docket No. W-1300, Sub 20, and Docket No. W-1300, Subs 30 and 56, respectively, are an Application for a Certificate of Public Convenience and Necessity and a Notification of Contiguous Extensions involving Southside Commons, Majestic Oaks West, and Salter’s Haven at Lea Marina.

On January 8, 2021, Pluris Hampstead amended its application to reflect the correct current and proposed residential sewer flat rate of \$56.40, previously approved by the Commission in Docket No. W-1300, Sub 11, and provide documentation in support of its joint application. On January 27, 2021, Pluris Hampstead filed the Asset Purchase Agreement (APA).

On February 9, 2021, the Commission issued an Order requiring Customer Notice, stated that the matter may be determined without scheduling a public hearing, if no significant protests are received from consumers on or before March 26, 2021.

The APA provides that Pluris Hampstead will purchase from ONSWC the wastewater utility assets that serve or will serve the properties in the Service Area. The APA further provides that ONSWC will retain ownership of the wastewater treatment plant (WWTP) located in the Majestic Oaks development, and will provide transitional wastewater treatment services to Pluris Hampstead for at least 150 days after the closing of the APA; during which time Pluris Hampstead will construct a lift station and facilities necessary to interconnect the collection systems in the Service Area to Pluris Hampstead’s force main. Wastewater collected from the properties in the Service Area will be treated at Pluris Hampstead’s membrane bio-reactor WWTP plant in Hampstead, North Carolina.

Due to significant regulatory compliance issues with the used ONSWC WWTP, on March 4, 2021, ONSWC and Pluris Hampstead entered into a First Amendment to APA (First Amendment), providing that after receiving Division of Water Quality approval, Pluris Hampstead will construct the lift station and other facilities necessary to establish the interconnection to the Pluris Hampstead WWTP prior to the closing of the APA so that Pluris Hampstead can provide bulk wastewater treatment service to ONSWC. The First Amendment provides ONSWC shall maintain the collection systems serving the properties in the Service Area in compliance with all applicable regulatory and regulations and requirements.

On March 17, 2021, ONSWC filed a Motion requesting approval for bulk wastewater treatment by Pluris Hampstead for the Service Area, and on March 31, 2021, ONSWC filed a Second Amendment to the APA, clarifying the bulk rate for sewer treatment.

The proposed bulk rate for sewer treatment is ONSWC's current monthly rates approved in Docket No. W-1300, Sub 11, and Docket No. M-100, Sub 138, effective February 15, 2015, calculated based on the total number of ONSWC customers served by ONSWC per month, during the period Pluris Hampstead provides bulk sewer services to ONSWC. Therefore, the bulk rate will not impact the monthly rates paid by the customers.

The Public Staff has reviewed the APA and the Amendments, is of the opinion that allowing Pluris Hampstead to provide bulk sewer treatment for the Service Area during the interim is in the best interest of customers, and therefore recommends that the Motion be granted and that the bulk rate for sewer treatment should be approved.

EXHIBIT: A proposed order is attached as [Exhibit No. P-3](#).

RECOMMENDATION: (Casselberry/Feasel/Grantmyre) That the Public Staff's proposed order be issued granting the Motion and approving the bulk rate for sewer treatment.

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 537

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Aqua North Carolina, Inc.,)	
202 MacKenan Court, Cary, North Carolina)	
27511, for a Certificate of Public Convenience)	ORDER GRANTING
and Necessity to Provide Water and Sewer)	FRANCHISE AND APPROVING
Utility Service in The Enclave at City Park)	RATES
Subdivision in Mecklenburg County, North)	
Carolina)	

BY THE COMMISSION: On August 11, 2020, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) to provide water and sewer utility service in The Enclave at City Park subdivision in Mecklenburg County, North Carolina. Aqua filed amendments to the Application on February 19, February 23, and February 25, 2021. Aqua proposes to charge the rates currently approved for its other franchised service areas where bulk water and sewer utility service is purchased from the City of Charlotte.

The Public Staff – North Carolina Utilities Commission (Public Staff) presented this matter at the Commission’s Staff Conference on April 5, 2021. The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

Based upon the verified Application, and the entire record in this matter, the Commission makes the following

FINDINGS OF FACT

1. Aqua presently holds water franchises serving approximately 82,000 customers and sewer franchises serving approximately 20,000 customers throughout North Carolina. Aqua’s record of service is satisfactory.
2. Aqua expects eventually to serve 77 water and sewer customers in The Enclave at City Park. The service area is shown on plans filed with the Application.

3. The North Carolina Department of Environmental Quality, Division of Water Resources, Public Water Supply Section, issued a plan approval letter for The Enclave at City Park, part of Water System No. NC2060100. The plans are approved under serial number 20-00590, dated September 8, 2020.

4. The North Carolina Department of Environmental Quality, Division of Water Resources, issued permit number WQ0041155, dated January 6, 2020, for the construction and operation of The Enclave at City Park wastewater collection system extension.

5. Aqua entered into an agreement dated July 27, 2020, with Price Lane Charlotte, LLC (Developer), under which Developer is installing the water and wastewater utility systems (Agreement). Aqua is acquiring the wastewater system from Developer at no cost. Aqua is requesting a one-time meter installation fee of \$70 for water service, to be paid by the builder or person first requesting service to a particular lot. Aqua is purchasing the water system from Developer for \$1,600 per single-family residential equivalent,¹ payable quarterly based upon the number of water service meters installed during the previous quarter.

6. The Agreement states that prior to closing, Developer shall pay to Aqua the grossed-up tax payment applicable to contributions in aid of construction. Aqua will not close and will not provide services until it receives the grossed-up tax payment.

7. Aqua has filed all exhibits required with the Application.

8. Aqua has the technical, managerial, and financial capacity to provide water and sewer utility service in this franchise location.

9. Aqua proposes to charge The Enclave at City Park its water and sewer utility service rates approved in Docket No. W-218, Sub 526, for service areas where bulk water and sewer utility service is purchased from the City of Charlotte.

10. The Public Staff recommends that Aqua be required to post a \$20,000 bond for The Enclave at City Park. Aqua currently has \$13,000,000 of bonds posted with the Commission. Of this amount, \$12,450,000 of bond surety is assigned to specific subdivisions and \$550,000 of bond surety is unassigned.

¹ Pursuant to the Agreement, the Developer pays at closing the gross up on the entire certified cost of the water and sewer systems constructed by the Developer and contributed to Aqua. Due to this upfront payment by the Developer, pursuant to the Agreement, when purchase price payments are subsequently made by Aqua to the Developer as customer connections are made, Aqua reimburses the Developer for the gross up previously paid on contributions in aid of construction.

CONCLUSIONS

Based on the foregoing and the recommendations of the Public Staff, the Commission concludes that \$20,000 of Aqua's unassigned bond surety should be assigned to The Enclave at City Park, that the water and sewer utility franchise requested by Aqua in The Enclave at City Park should be granted, that a meter installation fee of \$70 for water utility service should be approved, and that the requested rates should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That \$20,000 of Aqua's unassigned bond surety is assigned to the The Enclave at City Park. The remaining unassigned bond surety shall be \$530,000;

2. That Aqua is granted a certificate of public convenience and necessity to provide water utility service in The Enclave at City Park in Mecklenburg County, North Carolina, and Appendix A, attached hereto, constitutes the Certificate of Public Convenience and Necessity;

3. That Aqua's existing Schedule of Rates approved by Commission Order issued on October 26, 2020, in Docket No. W-218, Sub 526, is approved for water and sewer utility service in The Enclave at City Park; and

4. That a meter installation fee of \$70 for water utility service is approved for The Enclave at City Park.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-218, SUB 537

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

AQUA NORTH CAROLINA, INC.

is granted this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

to provide water and sewer utility service

in

THE ENCLAVE AT CITY PARK SUBDIVISION

Mecklenburg County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 28

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Notification by Pluris Hampstead, LLC, 5950)
Berkshire Lane, Suite 800, Dallas, Texas 75225,)
of Intention to Begin Operations in an Area)
Contiguous to Present Service Area Providing)
Sewer Utility Service in Coastal Plantation,)
Phase IV, in Pender County, North Carolina)
)

ORDER RECOGNIZING
CONTIGUOUS EXTENSION,
APPROVING RATES, AND
ACCEPTING AND
APPROVING BOND

BY THE COMMISSION: On February 5, 2021, Pluris Hampstead, LLC (Pluris Hampstead or Company), filed a Notification of Intention to Begin Operations (Notification) to provide sewer utility service at Coastal Plantation, Phase IV, which is contiguous to the Company’s existing service area in Coastal Plantation (Community) in Pender County, North Carolina. On February 24, 2021, Pluris Hampstead amended its application to request that customers in the new service area be subject to the rates approved in Docket No. W-1305, Sub 12.

The Public Staff presented this matter at the Commission’s Staff Conference on March 29, 2021. The Public Staff recommends that the Commission issue an order recognizing the contiguous extension; approving rates; and accepting and approving bond.

Based upon the verified application and the entire record in this matter, the Commission makes the following

FINDINGS OF FACT

1. Pluris Hampstead is currently serving approximately 436 residential and 69 commercial sewer customers in North Carolina, and its record of service is satisfactory.

2. The North Carolina Department of Environmental Quality, Division of Water Resources, issued Permit No. WQ0040752 to Pluris Hampstead. The permit was dated May 8, 2019, and authorized the construction and operation of approximately 8,528 linear feet of 8-inch gravity sewer, a 68-gallon per minute pump station, and approximately 1,440 linear feet of 3-inch force main to serve 138 two-bedroom residences, a pool complex, and a fitness center with a total potential discharge of 20,810 gallons per day of collected domestic wastewater into Pluris Hampstead's existing sewerage system.

3. Pluris Hampstead entered into an Agreement for Sanitary Sewer Service (Agreement), dated September 9, 2016, with Jensen's Inc. (Developer) that requires (1) the Developer to construct and install the complete wastewater collection system throughout the Community at no cost to Pluris Hampstead, and (2) Pluris Hampstead to construct or reconstruct the Community's existing lift stations and an interconnect pipeline from the lift stations to Pluris Hampstead's existing force main, which connects to its wastewater treatment plant. Developer is also paying a one-time reuse water return fee of \$700 per connection payable to Blake Farm Pond, LLC at the time of connection.

4. Pluris Hampstead is requesting a one-time connection fee of \$1,067 per two-bedroom residence upon application for service and prior to service being provided. The builder or person first requesting service at a particular lot is responsible for the connection fee.

5. On August 26, 2019, in Docket No. W-100, Sub 57, the Commission issued its Order Addressing Federal Income Taxes on Contributions in Aid of Construction. Ordering paragraph 2 of that Order provides that "all certificated water and wastewater companies shall collect from contributors the income tax on [Contributions in Aid of Construction] for new contributions contracted for on or after October 5, 2018, using the full gross up method." The Agreement between Pluris Hampstead and the Developer was executed on September 9, 2016, and, as such, is not subject to the full gross-up requirements in the Commission's August 26, 2019 Order.

6. Pluris Hampstead has filed all exhibits required with the Notification.

7. Pluris Hampstead has the technical, managerial, and financial capacity to provide sewer utility service in Coastal Plantation, Phase IV.

8. Pluris Hampstead proposes to charge the rates currently approved in Docket No. W-1305, Sub 12.

9. The Public Staff recommends that the Commission require posting of a \$10,000 bond for the contiguous extension in Coastal Plantation, Phase IV. Pluris Hampstead currently has \$500,000 of bonds posted with the Commission. Of this amount, \$120,000 of bond surety is assigned to specific subdivisions, and \$380,000 of bond surety is unassigned.

CONCLUSIONS

Based on the foregoing, the record in its entirety, and the recommendations of the Public Staff, the Commission is of the opinion that \$10,000 of Pluris Hampstead's unassigned bond surety should be assigned to the contiguous extension; that the contiguous extension should be recognized as meeting the Commission's criteria for extension; that the water reuse fee and connection fee should be approved; and that the requested rates should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That \$10,000 of Pluris Hampstead's unassigned surety bond is assigned to Coastal Plantation, Phase IV. The remaining unassigned bond surety shall be \$370,000.
2. That the contiguous extension of sewer utility service into Coastal Plantation, Phase IV, in Pender County, North Carolina, is hereby recognized as meeting the Commission's criteria for the extension pursuant to N.C. Gen. Stat. § 62-110(a), and that Appendix A constitutes the Certificate of Public Convenience and Necessity covering the contiguous extension.
3. That the Schedule of Rates approved for Pluris Hampstead in Docket No. W-1305, Sub 12, is recognized as being applicable for service and is approved for service at Coastal Plantation, Phase IV.
4. That the connection fee of \$1,067 per two-bedroom residence is approved for Coastal Plantation, Phase IV.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 28

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

PLURIS HAMPSTEAD, LLC

is given this acknowledgement of
contiguous extension to Pluris Hampstead's

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
pursuant to N.C. Gen. Stat. § 62-110(a)

to provide sewer utility service

in

COASTAL PLANTATION, PHASE IV

Pender County, North Carolina,

subject to any orders, rules, regulations,
and conditions now or hereafter lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberley A. Campbell, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 29
DOCKET NO. W-1300, SUB 69

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Joint Application by Pluris Hampstead, LLC, 5950)
Berkshire Lane, Suite 800, Dallas, Texas 75225, for)
Authority to Acquire the Sewer Utility Systems Serving) ORDER
Majestic Oaks and Hampstead Shopping Center,) GRANTING
Southside Commons (formerly Grey Bull), Majestic) MOTION AND
Oaks West, and Salter's Haven at Lea Marina in Pender) APPROVING BULK
County, North Carolina from Old North State Water) RATES
Company, LLC, and Approval of Rates)

BY THE COMMISSION: On October 9, 2020, Pluris Hampstead, LLC, (Pluris Hampstead) filed a joint application with Old North State Water Company, LLC (ONSWC), seeking authority to acquire the sewer systems serving Majestic Oaks and Hampstead Shopping Center, Southside Commons (formerly Grey Bull), Majestic Oaks West, and Salter’s Haven at Lea Marina (collectively, the “Service Area”) in Pender County, North Carolina. The application stated that there are 171 customers. Pending before the Commission under Docket No. W-1300, Sub 20, and Docket No. W-1300, Subs 30 and 56, respectively, are an Application for a Certificate of Public Convenience and Necessity and a Notification of Contiguous Extensions involving Southside Commons, Majestic Oaks West, and Salter’s Haven at Lea Marina.

On January 8, 2021, Pluris Hampstead amended its application to reflect the correct current and proposed residential sewer flat rate of \$56.40, previously approved by the Commission in Docket No. W-1300, Sub 11, and provide documentation in support of its joint application. On January 27, 2021, Pluris Hampstead filed the Asset Purchase Agreement (APA).

On February 9, 2021, the Commission issued an Order requiring Customer Notice, stating that the matter may be determined without scheduling a public hearing, if no significant protests are received from consumers on or before March 26, 2021.

The APA provides that Pluris Hampstead will purchase from ONSWC the wastewater utility assets that serve or will serve the properties in the Service Area. The APA further provides that ONSWC will retain ownership of the wastewater treatment plant (WWTP) located in the Majestic Oaks development, and will provide transitional wastewater treatment services to Pluris Hampstead for at least 150 days after the closing of the APA; during which time Pluris Hampstead will construct a lift station and facilities necessary to interconnect the collection systems in the Service Area to Pluris Hampstead's force main. Wastewater collected from the properties in the Service Area will be treated at Pluris Hampstead's membrane bio-reactor WWTP in Hampstead, North Carolina.

Due to significant regulatory compliance issues with the used ONSWC WWTP, on March 4, 2021, ONSWC and Pluris Hampstead entered into a First Amendment to APA (First Amendment), providing that after receiving Division of Water Quality approval, Pluris Hampstead will construct the lift station and other facilities necessary to establish the interconnection to the Pluris Hampstead WWTP prior to the closing of the APA so that Pluris Hampstead can provide bulk wastewater treatment service to ONSWC. The First Amendment provides ONSWC shall maintain the collection systems serving the properties in the Service Area in compliance with all applicable regulatory and regulations and requirements.

On March 17, 2021, ONSWC filed a Motion requesting approval for bulk wastewater treatment by Pluris Hampstead for the Service Area, and on March 31, 2021, ONSWC filed a Second Amendment to the APA, clarifying the bulk rate for sewer treatment.

The proposed bulk rate for sewer treatment is ONSWC's current monthly rates approved in Docket No. W-1300, Sub 11, and Docket No. M-100, Sub 138, effective February 15, 2015, calculated based on the total number of ONSWC customers served by ONSWC per month, during the period Pluris Hampstead provides bulk services to ONSWC. Therefore, the bulk rate will not impact the monthly rates paid by the customers.

The Public Staff presented this matter at the Commission's Staff Conference on April 5, 2021. The Public Staff stated that it had reviewed the APA and the Amendments, was of the opinion that allowing Pluris Hampstead to provide bulk sewer treatment for the Service Area during the interim was in the customers' best interest, and recommended that the Motion be granted and the bulk sewer rate for sewer treatment be approved.

Based on the foregoing, the record in its entirety, and the recommendations of the Public Staff, the Commission is of the opinion that the motion should be granted pursuant to the terms and conditions of the APA as amended by the First and Second Amendments and that the bulk rate for sewer treatment should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That the Motion for Pluris Hampstead to provide bulk wastewater service to ONSWC pursuant to the terms and conditions of the APA as amended by the First and Second Amendments is granted.

2. That the proposed bulk rate for bulk sewer treatment in the Second Amendment to APA is approved.

3. That the Schedules of Rates, attached hereto as Appendix A, is approved and deemed to be filed with the Commission pursuant to G.S. 62-138. Said Schedule of Rates is authorized to become effective for service rendered on and after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Kimberly A Campbell, Chief Clerk

SCHEDULE OF RATES

for

PLURIS HAMPSTEAD, LLC

for providing bulk sewer utility service

FOR

OLD NORTH STATE WATER COMPANY, LLC'S (ONSWC)
MAJESTIC OAKS AND HAMPSTEAD SHOPPING CENTER, MAJESTIC OAKS WEST,
SOUTHSIDE COMMONS AND SALTER'S HAVEN AT LEA MARINA

in

Pender County, North Carolina

Monthly Bulk Sewer Rate: (based on the total number of ONSWC customers served by ONSWC per month, during the period Pluris Hampstead, LLC provides bulk services to ONSWC)

Residential service, per residence	\$ 56.40
Nonresidential service, per REU	\$ 56.40
Hampstead Shopping Center (14 REUs)	\$789.60

Bills Due: On billing date

Bills Past Due: 15 days after billing date

Return Check Fee \$25.00

Billing Frequency:
Monthly Bulk Sewer Rate Shall be monthly for service in arrears

Finance Charge for Late Payment: 1% per month will be applied to the unpaid balance of all bills still past due 25 days after the billing date.

Issued in Accordance with Authority Granted by the North Carolina Utilities Commission in Docket No. W-1305, Sub 29, and Docket No. W-1300, Sub 69, on this the ____ day of _____, 2021 [Back to Agenda](#)