

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1259, SUB 5
DOCKET NO. W-1328, SUB 6

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Meadowlands)	
Development, LLC and Red Bird Utility)	JOINT MOTION FOR LEAVE TO
Operating Company, LLC, d/b/a Red)	FILE STIPULATION AND
Bird Water for Transfer of Public Utility)	SETTLEMENT TESTIMONY
Franchise in Meadowlands Subdivision)	IN LIEU OF DIRECT AND
in Davidson County, North Carolina, and))	REBUTTAL TESTIMONY
for Approval of Rates)	

NOW COME Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), by and through its counsel, and the Public Staff – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers (collectively, the Moving Parties), and hereby respectfully move the North Carolina Utilities Commission (Commission) to grant the Moving Parties leave to file a settlement agreement and stipulation and settlement testimony and exhibits in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits. In support of this motion, the Moving Parties show the Commission as follows:

1. On October 9, 2020, as amended October 21, 2020, Meadowlands Development, LLC (Meadowlands), and Red Bird filed with the Commission a joint Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility system and public utility franchise serving Meadowlands subdivision in Davidson County, North Carolina, from Meadowlands to Red Bird.

2. Meadowlands currently serves 558 residential flat-rate sewer customers.

3. Following Red Bird's filing of supplemental materials on July 12 and August 2, 2021; December 7, 2022; and August 7, August 17, and December 15, 2023, the Commission determined that the Application was complete on January 9, 2024, and on January 22, 2024, issued a Scheduling Order which, among other things, provides that the Public Staff's prefiled direct testimony and exhibits shall be filed on or before Wednesday, February 28, 2024, and Red Bird's rebuttal testimony shall be filed on or before Tuesday, March 19, 2024.

4. On February 28, 2024, the Public Staff filed a motion requesting an extension of time to March 1, 2024, for the Public Staff to file its direct testimony and exhibits in this docket, and an extension of time to March 21, 2024, for Red Bird to file its rebuttal testimony and exhibits. In its motion, the Public Staff states that the extension of time would allow the Public Staff and Red Bird to engage in settlement discussions to resolve certain issues in dispute.

5. Also on February 28, 2024, the Commission issued an order granting the Public Staff's motion for extension of time.

6. Following the Public Staff's filing of its motion for extension of time, the Moving Parties engaged in extensive settlement negotiations and have reached an agreement in principle to settle the issues in dispute. However, the Moving Parties require additional time to memorialize the terms of the agreement in principle in a stipulation and settlement agreement and to file supporting testimony and exhibits.

7. The Moving Parties respectfully request leave to file a settlement agreement and stipulation and settlement testimony and exhibits on or before March 12, 2024, in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits.

WHEREFORE, for the foregoing reasons, the Moving Parties respectfully request that the Commission grant the relief requested herein.

Respectfully submitted this 1st day of March, 2024.

Public Staff

Christopher J. Ayers
Executive Director

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Chief Counsel

Electronically submitted
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Red Bird Utility Operating Company, LLC

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 1st day of March, 2024.

Electronically submitted
/s/ Megan Jost