



Mr. Devitto requests that the Commission hold WRI accountable for replacing the water meters and “levy additional fines” on WRI to get the connection to Harrisburg. On July 19, 2021, Mr. Devitto filed additional exhibits, which included documents from the Commission’s files in Docket No. W-1034, Sub 8.

On August 19, 2021, WRI filed a Motion to Make Pleadings More Specific, Motion to Dismiss, and Answer, which was served by Commission order issued August 24, 2021. WRI argues that the allegations of the complaint are so broad and generalized that it is unable to effectively respond to Mr. Devitto’s demands, that the complaint lacks specific factual allegations to allow WRI to understand the circumstances surrounding the allegations, that the complaint does not cite to any requirement that would provide the basis for the relief requested, and that the relief requested lacks a rational connection to correction of the broad and generalized allegations of the complaint. In answer, however, WRI notes that it filed a motion for clarification in the rate case docket regarding its obligation to replace the water meters. Regarding the second allegation, WRI states that it is unaware of any regulatory requirement to provide advance notice to customers of system flushing. WRI further states that it has made significant progress on complying with DEQ’s regulations in the past two months and that it is in compliance with all regulations other than 15A N.C.A.C. 18C .0402(g)(5) requiring a second approved water source. Finally, WRI states that it is making progress toward obtaining an easement that will allow for an interconnection with Harrisburg and bring the Rocky River Plantation water system into compliance with all DEQ regulations. WRI, therefore, argues that the complaint should be dismissed for failure to state a claim upon which relief may be granted.

As noted in its response to the complaint, on August 19, 2021, WRI filed a Motion for Clarification in Docket No. W-1034, Sub 8. In support of its motion, WRI stated that pursuant to Ordering Paragraph No. 6 of the 2018 Rate Case Order, WRI was directed, among other things, to implement the Public Staff’s recommendation to replace water meters at the Rocky River Plantation subdivision. WRI further stated that it filed a status report on the water meter replacement on August 30, 2019, indicating that no action had been taken because funds were not available, and that it received no response. WRI sought clarification, therefore, on whether it is obligated to comply with the directive to replace the water meters.

On August 25, 2021, Mr. Devitto filed a reply indicating that WRI’s Answer is not satisfactory and requesting a hearing.

On September 21, 2021, the Commission issued an Order Ruling on Motion for Clarification, Holding Complaint in Abeyance, and Requiring Public Staff Investigation in the rate case docket and in this complaint docket (Order on Clarification). In that order the Commission determined that WRI knew that it was required to replace the meters in

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by water resources staff and owner Dennis Abbott in returning calls when meters are leaking,” and “[o]nly when WBTV reported David Hodges became involved with interviews on TV did the almost 2 year leaking meters get repaired.” The Commission understands these to be references to the complaint filed by Eric Olsen in Docket No. W-1034, Sub 9, which has been heard and decided separately.

Rocky River Plantation by May 21, 2019, and that no clarification of the ordering paragraphs of the 2018 Rate Case Order was necessary. The Commission ordered WRI to replace all meters in Rocky River Plantation within four months. The Commission further ordered the Public Staff to investigate the status of WRI's compliance with the 2018 Rate Case Order, the impact of the DEQ Notices of Violation and Consent Judgment on WRI's ability to adequately serve its customers, and whether appointment of an emergency operator should be considered at this time, and directed the Public Staff to file a report on the status of its investigation of these matters within 90 days. Given the decisions therein to require WRI to comply with the requirement of Ordering Paragraph No. 6 to replace the water meters in Rocky River Plantation and to require an investigation by the Public Staff, the Commission found good cause to hold in abeyance this complaint filed by Mr. Devitto.

On December 7, 2021, Mr. Devitto submitted a letter stating that the Commission "[n]eed[s] to address the continued missed deadlines and lack of urgency by Water Resources."

On December 20, 2021, the Public Staff filed its Report and Recommendations in both dockets. A summary of the report and the Public Staff's recommendations is set forth below.

On the same day, WRI filed a report on its meter replacement project in Docket No. W-1034, Sub 8. WRI stated that it had ordered replacement meters for the Rocky River Plantation subdivision and that the replacement meters had been delivered. WRI further stated that its contractor was scheduled to begin work that week and that the work was expected to be completed prior to January 21, 2022, in compliance with the Order on Clarification.

On January 19, 2022, WRI filed a motion for extension of time in which to complete installation of the water meters as ordered by the Commission. WRI stated that as of the date of its motion it had replaced 34 of the 105 meters in Rocky River Plantation subdivision, but that it had encountered unexpected delays beyond its control, including a delay in delivery of the meters, inclement weather that prevented meter replacement work, and an unanticipated amount of silt buildup inside meter boxes that doubled the per-meter change-out work time, as compared to that initially estimated. WRI requested a 45-day extension of time until March 7, 2022, to complete replacement of the remaining 71 water meters.

On January 20, 2022, Mr. Devitto filed an objection to WRI's motion for extension of time, stating that WRI has already had three years, and further alleging that contrary to statements in the motion for extension of time, the 34 meters that have been replaced are for customers in Highland Ridge, not Rocky River Plantation.

On January 21, 2022, noting Mr. Devitto's objection, the Commission granted, in part, WRI's motion and allowed WRI an additional 30 days within which to complete the meter replacements.

On February 18, 2022, WRI filed notice that all but two of the meters had been replaced, and that the remaining two meters were expected to be replaced the next day, in advance of the extended deadline allowed by the Commission. On June 28, 2022, WRI confirmed that the two remaining water meters were, in fact, installed on February 19, 2022, in compliance with the Commission's orders.

## **PUBLIC STAFF REPORT AND RECOMMENDATIONS**

In summary, the Public Staff makes the following findings in its December 20, 2021 report as a result of its investigation, including formal and informal data requests and site inspections:

- WRI is largely in compliance with the actions required by the 2018 Rate Case Order, although WRI failed to complete several items within the timeframe specified by the Commission.
- Most of the issues identified in the DEQ Notices of Violation have been addressed and thus have little to no impact on WRI's ability to adequately serve its customers. While WRI has not yet complied with the Consent Judgment by interconnecting with Harrisburg's water system or executing an alternate course of action to comply with state drinking water laws, WRI has retained an experienced water engineer who is exploring a possible, lower cost method of compliance.
- Given WRI's overall compliance with the 2018 Rate Case Order and feedback received from DEQ personnel, an appointment of an emergency operator should not be considered at this time

Regarding compliance with the 2018 Rate Case Order, the Public Staff noted that the elevated storage tank had been inspected as required by Ordering Paragraph No. 6 and Finding of Fact No. 8.c, and that necessary repairs to the roof vent and hatch repairs were scheduled for December 14, 2021. The water meter replacement required by Ordering Paragraph No. 6 and Finding of Fact No. 9 (and further by the Order on Clarification) was scheduled to begin the week of December 20, 2021. WRI informed the Public Staff that work to clean and recoat the hydropneumatic tank and ground storage tank serving the River Walk subdivision as required by Ordering Paragraph No. 6 and Finding of Fact No. 12.c would be released to the best bidder by December 13, 2021. The Public Staff further found that WRI failed to comply with Order Paragraph Nos. 8 and 9 requiring specific reports regarding compliance with Order Paragraph Nos. 5 and 6. Lastly, the Public Staff found that the customer logs required by Order Paragraph Nos. 10, 11, and 12 were incomplete and of limited use, and that Dennis Abbott, President of WRI, failed to ensure requirements of the 2018 Rate Case Order were being implemented.

The Public Staff stated that it identified two DEQ Notice of Deficiency letters sent to WRI — the first, dated January 2, 2018, concerned the River Walk subdivision, and the second, dated April 3, 2018, concerned the Rocky River Plantation subdivision. The

violations concerned (1) water utility system equipment and structures, and (2) water quality testing and sampling. On July 15, 2021, a Consent Judgment was issued regarding WRI's failure to provide the Rocky River Plantation subdivision with at least two operational wells or, in lieu of a second well, another approved water supply source pursuant to 15A N.C.A.C. 18C .0402(g)(5). The Consent Judgment requires WRI, among other things, to interconnect the Rocky River Plantation water system to Harrisburg's water system, or execute an alternate means of ensuring the Rocky River Plantation system is in compliance with state drinking water laws and regulations. WRI informed the Public Staff that the estimated date for placing the Rocky River Plantation interconnection into active service was the second quarter of 2022. WRI advised the Public Staff that an alternative to interconnection with Harrisburg was being considered in light of the interconnection costs and that it had retained an experienced water and wastewater system licensed professional engineer to assist in that regard.

To assess the impact of WRI's service issues to customers, the Public Staff reviewed three sources of information, focusing specifically on water utility system operation complaints: (1) formal complaints filed with the Commission; (2) customer complaints logged by Public Staff – Consumer Services Division (Consumer Services) from January 1, 2019, to December 1, 2021; and (3) WRI customer contact logs filed with Commission for the period covering January 2019 through September 2021. The Public Staff stated that from January 2019 through December 1, 2021, Consumer Services received nine customer complaints. Of the complaints received, two resulted in the formal complaints that were filed with the Commission by Mr. Olsen in Docket No. W-1034, Sub 8, and this complaint by Mr. Devitto. Four separate complaints were due to water leaks at homes in the Rocky River Plantation subdivision. Of those four complaints, one complaint was withdrawn, no leak was found in the second complainant's property, and WRI repaired the remaining two leaks in the other complainants' residences. The three remaining complaints were submitted by River Walk subdivision residents. Two complaints were for low water pressure and one complaint was a question regarding the acceptability of water use after the water system had been out of service. WRI addressed the low water pressure by repairing a booster pump. The complaint regarding acceptability of water use was closed due to the lack of response from the complainant. From what could be discerned from WRI's customer logs filed with the Commission on September 20, 2021, and November 19, 2021, WRI received 43 complaints from 19 residences. Of those complaints, twelve concerned water leaks at eight residences in the Rocky River Plantation subdivision. No leaks were reported from the River Walk subdivision residents. Four of the reported leaks were either on the customer side of the water line or not actual leaks, but rather internal plumbing issues. In most cases, water leaks were repaired within 24 hours of being reported, although repairs of four separate water leaks took between three to seventeen days, with a contractor required for the 17-day leak. The WRI customer logs also identified 23 complaints from nine residences related to low water pressure, all but one of which occurred in the River Walk subdivision. The Public Staff reported that WRI completed repairs of one booster pump in late September 2021, and the system pressure was fully restored shortly thereafter. A second booster pump has been replaced, and both booster pumps are now fully operational. The WRI customer logs included eight complaints from customers experiencing cloudy or

milky water — six of which were from one residence and the remaining two from a second residence located on the same street. WRI informed the Public Staff that WRI has installed an automatic system to fill the elevated storage tank and that WRI has not received any customer complaints related to cloudy or milky water since the automatic system has been installed.

In summary, the Public Staff stated that the issues identified in the DEQ Notice of Violation letters and the Consent Judgment demonstrate that WRI lacks a sense of urgency to correct deficiencies and comply with North Carolina drinking water regulations. The identified issues increase the risks for disruptions in the water system, provide opportunities for contaminants to enter the water utility system, increase risks to staff safety, and, due to inadequate or deficient water system sampling and testing, increase the risk of contaminants exceeding prescribed levels in the water provided to WRI customers. While WRI has corrected the deficiencies identified in the DEQ Notice of Violation letters, not all were corrected in the timeframe specified by the Commission in the 2018 Rate Case Order. Additionally, three recommendations identified in the DEQ Notice of Violation letters remain to be implemented, specifically the repair of the vent screen on the elevated storage tank, the replacement of meters in Rocky River Plantation, and the replacement or cleaning and recoating of the hydropneumatic and ground storage tanks. Moreover, WRI has yet to interconnect with Harrisburg or execute an alternate course of action to ensure compliance with state drinking water laws, as required by the Consent Judgment.

In its December 20, 2021 report, the Public Staff stated that based on its review at the time, it was not of the opinion that an emergency operator should be appointed. Neither the River Walk nor Rocky River Plantation subdivisions were in imminent danger of losing adequate water utility service. The Public Staff sought input from DEQ's Regional Engineer in the Mooresville Regional Office and after discussion with the Section Chief, he agreed that DEQ did not consider the River Walk or Rocky River Plantation subdivisions as being in imminent danger of losing adequate water utility service. Further, WRI is investing substantial funds in the water utility systems at both the River Walk and Rocky River Plantation subdivisions. Although it has taken longer than required, most of the deficiencies identified in the 2018 Rate Case Order have been addressed, and WRI is addressing the remaining recommendations identified in the ordering paragraphs from that order. WRI has made internal staffing changes and replaced the operator responsible to improve customer service. While the Consent Judgment remained unresolved at that time, WRI was moving towards a resolution.

Based on the information it had received to date, the Public Staff recommended that the Commission issue an order requiring WRI to report the status of the following four remaining open items every 30 days:

- The replacement of the vent screen and hatch on the elevated storage tank located in the Rocky River Plantation subdivision.
- The replacement of the water meters in the Rocky River Plantation subdivision.

- The cleaning and recoating of the hydropneumatic tank and ground storage tank located in the River Walk subdivision.
- Providing the Rocky River Plantation subdivision with at least two operational wells or, in lieu of a second well, executing an alternate means of ensuring the Rocky River Plantation system is in compliance with the North Carolina Drinking Water Act and related regulations, as required by the Consent Judgment.

Each report should include the status of each item, including the date by which the item will be resolved in accordance with the 2018 Rate Case Order or the Consent Judgment, as applicable. If the item has been resolved as required, WRI should certify the completion of the item in accordance with the requirements of the 2018 Rate Case Order or the Consent Judgment, as applicable

## **DISCUSSION AND CONCLUSIONS**

North Carolina law provides that the burden of proof in complaint proceedings is upon the complainant to show that the action of the utility complained of with regard to its rates, services, classification, rules, regulations, or practice is unjust or unreasonable. N.C. Gen. Stat. § 62-75; Order Dismissing Complaint and Denying Motions to Enjoin, *Torres v. Duke Energy Carolinas, LLC*, No. E-7, Sub 1076, at 3 (N.C.U.C. Nov. 13, 2015); Recommended Order Denying Complaint, *Huffstetler v. Duke Energy Carolinas, LLC*, No. E-7, Sub 835, at 4 (N.C.U.C. Feb. 15, 2008). This docket is atypical for a complaint, however, because Mr. Devitto is primarily alleging that WRI has not complied in a timely manner with requirements previously imposed upon it by the Commission in the 2018 Rate Case Order, including water meter replacement in the Rocky River Plantation subdivision, and by DEQ in its Notices of Violation and Consent Judgment.

The first issue raised in Mr. Devitto's complaint is that WRI had not completed replacement of the water meters in Rocky River Plantation by May 21, 2019, as required by Ordering Paragraph No. 6 of the 2018 Rate Case Order.<sup>3</sup> As detailed above, WRI filed a status report on the water meter replacement on August 30, 2019, following letters from the Public Staff on April 4, 2019, indicating that the reporting requirements of Ordering Paragraph Nos. 4 and 8 were past due, and on July 24, 2019, indicating that the reporting requirements of Ordering Paragraph Nos. 8 and 9, including a report on the status of the water meter replacement, were past due. In its status report finally filed nine months after the date of the 2018 Rate Case Order, WRI stated that no action had been taken on replacing the water meters because funds were not available. In its Motion for Clarification filed on August 19, 2021, WRI noted that it received no response to its status report.

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<sup>3</sup> Ordering Paragraph No. 6 of the 2018 Rate Case Order required WRI to "complete the recommendations identified in findings of fact 8, 9, and 12, within 6 months of the date of this order." Finding of Fact No. 9 found that "[w]ater meters at Rocky River [Plantation] are over 25 years old, and the Public Staff has recommended that they be replaced."

In its Order on Clarification the Commission determined that WRI knew that it was required to replace the meters in Rocky River Plantation by May 21, 2019, and that no clarification of the ordering paragraphs of the 2018 Rate Case Order was necessary. The Commission stated:

It is not the role of the Commission or the Public Staff to remind utility companies of their obligations under Commission orders. When the Commission orders a utility to take action or make a filing, the utility is expected to comply with the Commission's order without being told twice. However, in response to the 2018 Rate Case Order the Public Staff provided reminders to WRI on two separate occasions of WRI's obligation to replace the water meters in Rocky River [Plantation]. WRI has not sought relief from this requirement and has not complied with the meter replacement requirement. WRI has continued to disregard the authority of the Commission and the potential wellbeing of its customers in Rocky River [Plantation], and further disregard will not be tolerated.

The Commission required WRI to comply with that provision of the 2018 Rate Case Order and replace all meters in Rocky River Plantation within the next 4 months. That deadline was extended by an additional 30 days, until February 20, 2022, for good cause shown at WRI's request. By letters filed on February 18, 2022, and June 28, 2022, WRI notified the Commission that it had complied with the Commission's order and that all of the water meters in Rocky River Plantation had been replaced by February 19, 2022. The Commission finds that this first issue raised in Mr. Devitto's complaint has been resolved.

Although not specifically raised in the complaint, in the Order on Clarification the Commission reexamined all of the findings of fact and ordering paragraphs of the 2018 Rate Case Order. In so doing the Commission identified numerous other provisions, many of which were related to DEQ Notice of Deficiency letters issued to WRI on January 2, 2018, and April 3, 2018, with which WRI had not complied and for which no extension of time or other relief from the requirements had been sought:

- Per Ordering Paragraph No. 5: That WRI correct the deficiencies stated in Findings of Fact Nos. 7 and 11 within 90 days (February 19, 2019) of the date of that order;
  - Finding of Fact No. 7(b) (Rocky River Plantation): A faucet or spigot for sampling treated water prior to delivery to the first customer was not provided, which violates the requirements of 15A N.C.A.C. 18C. 0402(e);
    - WRI Response: Awaiting inspection from DENR to make sure sampling point is sufficient;



- Finding of Fact No. 11(b) (River Walk): A properly sized vacuum relief valve is not provided for the hydropneumatic tank, which violates the requirements of 15A N.C.A.C. 18C. 0405(c)(3);
  - WRI Response: Contractor was hired to do work but replaced the wrong valve. A new work order has been Issued. To be completed by October 21, 2019;
- Per Ordering Paragraph No. 6: That WRI complete the recommendations identified in Findings of Fact Nos. 8 and 12 within six months (May 22, 2019) of the date of that order;
  - Finding of Fact No. 8(a) (Rocky River Plantation): Due to the results from the iron and manganese field readings occasionally exceeding the secondary maximum contaminant levels, it is recommended that the water filter be evaluated by a qualified professional to assess the operation and maintenance of the water filter;
    - WRI Response: Not completed due to lack of funds. Regular and consistent backwashing by the newly hired operator has proven to prevent issues with iron and manganese field readings;
  - Finding of Fact No. 8(c): That the elevated storage tank be regularly inspected by a qualified professional and that the vent be inspected on a regular basis to ensure that the screen is intact;
    - WRI Response: To be completed by October 31, 2019;
  - Finding of Fact No. 8(d): That the holes observed in the lower portion of the western wall of the building containing the filter be repaired;
    - WRI Response: Work order issued to contractor. To be completed by October 31, 2019;
  - Finding of Fact No. 12(b) (River Walk): That the leaking Well 1 blow-off valve be repaired or replaced;
    - WRI Response: No action taken;
  - Finding of Fact No. 12(c): That the hydropneumatic tank and ground storage tank be either replaced or cleaned and recoated by a qualified professional;
    - WRI Response: No action taken due to lack of funds;
  - Finding of Fact No. 12(d): That trees and limbs surrounding both well houses and water tanks be trimmed as necessary to ensure that no water system components would be damaged in the event of falling trees and limbs;
    - WRI Response: To be completed by October 31, 2019, if funds are available;
- Per Ordering Paragraph No. 10: That WRI keep a log of customer complaints. The log shall include the date and time the customer

contacted WRI or its answering service, a description of the complaint, what was done to resolve the issue, and the date and time that resolution of the issue was communicated back to the customer. A copy of these records shall be filed in this docket on a quarterly basis until further order of the Commission;

- WRI Response: Ongoing compliance is in place. [No quarterly filing has yet been made.]

The Commission directed the Public Staff to investigate the status of each of these outstanding requirements and any other commitments from the 2018 rate case and report back to the Commission on its findings, which it did on December 20, 2021. The Public Staff reported that at that time WRI was largely in compliance with the actions required by the 2018 Rate Case Order, although WRI failed to complete several items within the timeframe specified by the Commission. Work on several items which remained incomplete at that time, in addition to the water meter replacements, were scheduled to begin before or soon after submission of the Public Staff's report. The Public Staff recommended that the Commission require WRI to file monthly status reports until all items had been completed.

The compliance reports filed by WRI related to the 2018 Rate Case Order are incomplete as they do not document correction of the deficiencies and completion of the recommendations identified in the findings of fact and required to be completed by the ordering paragraphs of that order. The Public Staff's report indicates that several items had yet to be completed as of December 2021, specifically including the replacement of the vent screen and hatch on the elevated storage tank located in the Rocky River Plantation subdivision and the cleaning and recoating of the hydropneumatic tank and ground storage tank located in the River Walk subdivision. The Commission will require WRI to file an updated report verifying by item correction of all of the deficiencies identified in Finding of Fact Nos. 7 and 11 that were to have been completed and reported as such within 90 days of the date of that order, as required by Ordering Paragraph Nos. 5 and 8, and completion of all of the recommendations identified in Finding of Fact Nos. 8 and 12 that were to have been completed and reported as such within six months of the date of that order, as required by Ordering Paragraph Nos. 6 and 9.

Another of the issues discussed in the Public Staff's report was WRI's obligation to comply with the July 15, 2021 Consent Judgment entered into with DEQ.<sup>4</sup> The Consent Judgment requires WRI, in part, to interconnect the Rocky River Plantation water system to Harrisburg's water system, or to execute an alternate means of ensuring the Rocky River Plantation system is in compliance with state drinking water laws and regulations. At that time, WRI informed the Public Staff that the estimated date for placing the Rocky River Plantation interconnection into active service was the second quarter of 2022 and

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<sup>4</sup> WRI attached a copy of the July 15, 2021 Consent Judgment to its August 19, 2021 Motion to Make Pleadings More Specific, Motion to Dismiss, and Answer filed in response to the complaint. WRI also attached a copy of its Compliance Plan submitted to DEQ for review and approval dated August 16, 2021.

that it has retained an engineer to explore an alternative to interconnection with Harrisburg in light of the cost.

No interconnection has yet been placed into active service, and delays in doing so have resulted in customers being left without water.<sup>5</sup> WRI's customers and the Commission are frustrated by the slow pace with which WRI has moved to bring the water system into compliance with DEQ's requirements. The Commission notes that WRI has now agreed and committed to a deadline of October 10, 2022, to complete and place into active service the interconnection with Harrisburg.

The Commission will require WRI to comply with the deadline imposed by DEQ for completing and placing into service the interconnection with Harrisburg. Moreover, WRI will be required to provide to the Commission the following information related to the interconnection work:

- (1) Identify the professional engineer WRI has hired to design the plan for returning the water system to compliance pursuant to Ordering Paragraph No. 3 of the Consent Judgment, and the date that person was hired.
- (2) Provide the current estimate of the cost to interconnect the water system with Harrisburg.
- (3) Has WRI acquired all necessary easements to complete the interconnection with Harrisburg?
- (4) Is Harrisburg in agreement with any plans to interconnect with WRI's water system?
- (5) Describe the alternatives to an interconnection with Harrisburg that have been or are being considered, and their costs.

The Commission cannot stress strongly enough how important it is for WRI to move forward without further delay to comply with the requirements imposed by DEQ, raising the capital as needed to ensure safe, adequate, and reliable water utility service to its customers in these neighborhoods. To the extent that WRI fails to comply with environmental laws and regulations for safe drinking water, it is not in compliance with its obligations as a public utility under the Public Utilities Act, Chapter 62 of the North Carolina General Statutes, and is subject to the enforcement authority of this Commission and remedies provided for under the Act, including monetary penalties and the appointment of an emergency operator.

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<sup>5</sup> See David Hodges, "Do we need to go to the Governor?" — NC communities lose water again, fed up with lack of accountability from state regulators, WBTV (July 7, 2022, 5:45 PM), <https://www.wbtv.com/2022/07/07/do-we-need-go-governor-nc-communities-lose-water-again-fed-up-with-lack-accountability-state-regulators>.

Lastly, Mr. Devitto raises in his complaint an issue regarding advanced notice to customers of flushing activity. This issue is not related to any requirement ordered in the 2018 Rate Case Order, nor was it identified as an open issue by the Public Staff in its report. In its response to the complaint, WRI asserts that there is no notice requirement regarding flushing with which it has failed to comply. Nevertheless, the Commission acknowledges that this is a customer service issue and that the utility's flushing activity is disruptive to customers. Therefore, the Commission directs WRI to develop means by which it can improve communication with its customers.

The Commission has experience with addressing similar customer concerns in other cases. For example, Aqua North Carolina, Inc. (Aqua), implemented a number of measures to improve communication with its customers, in part to provide better notice regarding flushing activity. Aqua established an advisory group for its largest and most complex public water system comprised of Aqua staff and nine customers to discuss various topics from water quality, operations, flushing efforts, educational materials, and other items. The feedback from customers has been utilized to update processes and improve communications. Aqua posts updated weekly schedules on its website and uses increased local signage at community entrances and exits for awareness of flushing activities while a campaign is in progress.<sup>6</sup> The Commission recognizes that these efforts have provided significant benefits to both Aqua and its customers.

In the complaint proceeding in Docket No. W-1034, Sub 9, filed by Eric Olsen, WRI President Dennis Abbott testified extensively about the changes he was implementing to improve customer service. Indeed, there was evidence that customer service had improved prior to the hearing in that case as compared to the events described in the complaint. Mr. Abbott further testified that although WRI does not currently maintain a website for its customers, WRI has considered creating one as part of its current improvement process as it looks for ways to better provide information and service to its customers. WRI should move forward with plans to implement a website and other measures, such as those described by Aqua, to improve customer communication regarding flushing activities and other system information of interest to the communities. The Commission will require WRI to file a report on its efforts in this regard to create a website, form a customer advisory group, or otherwise institute means to obtain customer feedback and improve communication between WRI and its customers.

In conclusion, Mr. Devitto has raised a number of meritorious issues in his complaint. It is clear that adequate progress had not been made by WRI to comply with the Commission's 2018 Rate Case Order and DEQ's Notices of Violation and Consent Judgment. At this time, WRI has completed replacement of the water meters in the Rocky River Plantation subdivision as it agreed and was ordered to do in the 2018 Rate Case Order. Although WRI has not previously been required to provide advance notice of flushing activity, the Commission will direct WRI to develop means to improve

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<sup>6</sup> Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Granting Partial Rate Increase, and Requiring Customer Notice, *Application by Aqua North Carolina, Inc., for Authority to Adjust and Increase Rates for Water and Sewer Utility Service in All Service Areas in North Carolina*, No. W-218, Sub 526, at 154-55, 159-60 (N.C.U.C. Oct. 26, 2020).

communication with its customers, including regarding flushing activities, and to report to the Commission on its efforts. Lastly, the Commission will require WRI to verify compliance with the 2018 Rate Case Order and DEQ's Notices of Violation and Consent Judgment. The Commission will continue to hold open the complaint docket while monitoring WRI's compliance with this Order.

IT IS, THEREFORE, ORDERED as follows:

1. That WRI shall file in these dockets within 10 days of the date of this Order an updated report verifying by item correction of all of the deficiencies identified in Finding of Fact Nos. 7 and 11 that were to have been completed and reported as such within 90 days of the date of that order, as required by Ordering Paragraph Nos. 5 and 8, and completion of all of the recommendations identified in Finding of Fact Nos. 8 and 12 that were to have been completed and reported as such within six months of the date of that order, as required by Ordering Paragraph Nos. 6 and 9, specifically including the replacement of the vent screen and hatch on the elevated storage tank located in the Rocky River Plantation subdivision and the cleaning and recoating of the hydropneumatic tank and ground storage tank located in the River Walk subdivision;

2. That WRI shall comply with the deadline imposed by DEQ for completing and placing into service the interconnection with Harrisburg, and that WRI shall file a report in these dockets within 10 days of the date this work is complete;

3. That WRI shall file in these dockets within 10 days of the date of this Order the information specified hereinabove in the body of this Order regarding the interconnection work;

4. That WRI shall file in these dockets within six months of the date of this Order a report on its efforts to create a website, form a customer advisory group, or otherwise institute means to obtain customer feedback and improve communication between WRI and its customers, specifically including notice of flushing activities; and

5. That the complaint filed by Mr. Devitto shall continue to be held open pending further order of the Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 29th day of July, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Joann R. Snyder, Deputy Clerk