

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-933, SUB 12
DOCKET NO. W-1328, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Joint Application by Red Bird Utility Operating)
Company, LLC d/b/a Red Bird Water and)
Etowah Sewer Company, Inc. for Transfer of)
Public Utility Franchise and for Approval of)
Rates)
	ORDER AMENDING DISCOVERY GUIDELINES AND FILING DATES FOR PREFILED TESTIMONY

BY THE PRESIDING COMMISSIONER: On October 8, 2020, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird), and Etowah Sewer Company, Inc. (Etowah) filed with the Commission an 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 the Etowah Community in Henderson County, North Carolina, from Etowah to Red Bird and approval of rates.

On September 26, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order), which established the procedural schedule in this proceeding, including filing requirements of the parties.

On October 19, 2023, the Public Staff filed a motion requesting that the Commission revise the Scheduling Order. In support of its motion, the Public Staff states that under the Scheduling Order, formal discovery closes before the filing of any prefiled direct testimony. The Public Staff does not propose changing the hearing dates for the public or expert witness hearings or changing the deadlines for significant protests or motions to intervene. Therefore, according to the Public Staff, a revised customer notice is not needed.

Based on the foregoing and the entire record, the Presiding Commissioner finds good cause to grant the Public Staff's motion and amend certain formal discovery guidelines and filing requirements put forth in the Scheduling Order. All other provisions of the September 26, 2023 Scheduling Order shall remain the same, including a public witness hearing date of Wednesday, November 1, 2023, and expert witness hearing date of Monday, November 20, 2023.

The Commission recognizes that in the past most discovery has been conducted in an informal manner and acknowledges that the parties may come to an agreement

that if a discovery deadline falls on a weekend or holiday, the relevant party may have until the first business day after the deadline to take the specified action.

IT IS, THEREFORE, ORDERED as follows:

1. That formal discovery requests related to the Application and Red Bird and Etowah's prefiled direct testimony shall be served on Red Bird or Etowah, or both, not later than Friday, October 13, 2023. The party served shall have up to 10 calendar days to file with the Commission objections to discovery requests on an item-by-item basis;

2. That the Public Staff and other intervenors' prefiled direct testimony and exhibits shall be filed on or before Friday, October 27, 2023;

3. That formal discovery requests of the Public Staff or intervenors shall be served not later than Wednesday, November 1, 2023. The party served shall have up to Monday, November 6, 2023, to file with the Commission objections to the discovery requests on an item-by-item basis;

4. That Red Bird and Etowah's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before Friday, November 10, 2023;

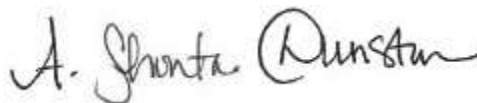
5. That formal discovery requests related to prefiled rebuttal testimony shall be served on Red Bird or Etowah, or both, not later than Tuesday, November 10, 2023. The party served shall have up to Friday, November 17, 2023, to file with the Commission objections to the discovery requests on an item-by-item basis. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery; and

6. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

ISSUED BY ORDER OF THE COMMISSION.

This the 20th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk