

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1146, SUB 13
DOCKET NO. W-1328, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Red Bird Utility Operating)	
Company, LLC, 1650 Des Peres Road,)	MOTION FOR EXTENSION
Suite 303, St. Louis, Missouri 63131, and)	OF TIME TO FILE TESTIMONY
Total Environmental Solutions, Inc., Post)	
Office Box 14056, Baton Rouge, Louisiana)	
70898, for Authority to Transfer the Lake)	
Royale Subdivision Water and Wastewater)	
Utility Systems and Public Utility Franchise)	
in Franklin and Nash Counties, North Carolina,)	
and for Approval of Rates)	

NOW COMES Red Bird Utility Operating Company, LLC (“Red Bird”) and respectfully moves the Commission to extend the time for filing testimony in these dockets as requested below.

In support thereof, Red Bird shows the Commission as follows:

1. Pursuant to the Order Scheduling Hearings, Establish Discovery Guidelines, And Requiring Notice issued July 11, 2023 in these dockets (“Scheduling Order”), Red Bird’s prefiled direct testimony was due on August 23, 2023; Public Staff’s testimony is due on September 13, 2023; and Red Bird’s rebuttal testimony is due on October 3, 2023.

2. Due to a miscommunication between undersigned counsel and Red Bird, Red Bird’s direct testimony was not filed on August 24. Red Bird now seeks an extension to time, *nunc pro tunc*, extending the time by six days, to August 30, 2023, for the pre-filing of its direct testimony. In connection with its request, Red Bird also requests that the time

for Public Staff and any intervenors to file testimony be extended by the same six-day interval to September 19, 2023, and that the October 3, 2023, due date for filing any rebuttal testimony by Red Bird remain the same as set in the Scheduling Order.

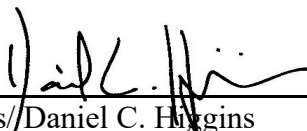
3. The filing of the Applicant's direct testimony is a predicate to the development of an evidentiary record, and it is in the public interest that Red Bird be allowed to late file its direct testimony and that this matter to be decided upon a full and complete record.

4. Red Bird's counsel has spoken with Public Staff counsel regarding this situation and is authorized to state that Public Staff does not oppose Red Bird's request on the conditions that the Public Staff may serve discovery on Red Bird's direct testimony until September 6, 2023, and that Red Bird will abide by the discovery guidelines set out in the Scheduling Order.

WHEREFORE, Red Bird respectfully requests that the Commission extend the time for Red Bird to prefile direct testimony to August 30, 2023, and likewise extend the time for Public Staff and any intervenors to file testimony to September 19, 2023.

Respectfully submitted, this the 25th day of August, 2023.

BURNS, DAY & PRESNELL, P.A.



s/Daniel C. Higgins

P.O. Box 10867

Raleigh, North Carolina 27605

Telephone: (919)782-1441

[E-mail: dhiggins@bdppa.com](mailto:dhiggins@bdppa.com)

Attorneys for Red Bird

CERTIFICATE OF SERVICE

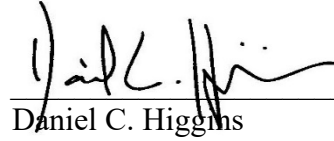
I certify that I have served a true and exact copy of the foregoing document on all parties to these dockets in accordance with Commission Rule R1-39, by United States mail,

first class postage prepaid; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 25th day of August, 2023.

BURNS, DAY & PRESNELL, P.A.

By:



Daniel C. Higgins
P.O. Box 10867
Raleigh, North Carolina 27605