

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1300, SUB 83

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Old North State Water Company, Inc. for a Certificate of Public Convenience and Necessity to Provide Water Utility Service to the Reserve at Falls Lake Phase 4 Subdivision in Wake County, North Carolina and for Approval of Rates)
)
) ORDER SCHEDULING HEARING
) AND ESTABLISHING DISCOVERY
) GUIDELINES
)

BY THE COMMISSION: On March 28, 2024, Old North State Water Company, Inc. (ONSWC) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water utility service to the Reserve at Falls Lake Phase 4 Subdivision in Wake County, North Carolina in accordance with N.C. Gen. Stat § 62-110.

ONSWC expects to eventually serve 16 residential customers in the Reserve at Falls Lake Phase 4 Subdivision, a newly developed service area in Wake County, North Carolina. ONSWC indicates that it will purchase the water system from the developer for \$500 per residential equivalent unit. ONSWC further indicates that there are no planned improvements or additions required for the water system in the next five years.

ONSWC proposes to charge the Monthly Residential Metered Rate approved in Docket No. W-1300, Sub 60 on June 13, 2022, which are as follows:

Monthly Residential Metered Rates:

Monthly Base Rate (zero usage):	\$ 24.11
Usage Rate per 1,000 gallons:	\$ 7.57

<u>Connection Fee:</u>	\$ 500.00
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On April 3, 2024, the Commission issued an order requiring the Public Staff to file a notice regarding whether the Application is considered complete, and if incomplete, identifying any deficiencies in the Application.

On April 17, 2024, the Public Staff filed a letter outlining the deficiencies in the Application and indicating that the Public Staff considers the Application incomplete.

On April 19, 2024, the Commission issued an Order Finding Application Incomplete and Request for Additional Information.

On April 19, 2024, ONSWC filed a letter from the North Carolina Department of Environmental Quality in response to the letter outlining deficiencies filed by the Public Staff.

On April 26, 2024, the Public Staff filed a letter with the Commission indicating that this docket now includes all the information required for a complete application.

On April 29, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data.

On May 10, 2024, upon suggestion by the Public Staff, ONSWC filed an amended application to correct the pumping capacity and the distance to the nearest water utility system. Also on May 10, 2024, the Public Staff provided the information requested by the Commission.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of ONSWC, the Public Staff, and other intervenors.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the application and ONSWC's prefiled direct testimony shall be served on ONSWC not later than 14 calendar days prior to the deadline for filing of the Public Staff and intervenor testimony. 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.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 calendar days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis.

5. Formal discovery requests related to the ONSWC's prefiled rebuttal testimony shall be served on the ONSWC not later than 3 business days after such testimony is filed. The party served shall have up to 3 business days 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.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. 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.

The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Commission finds good cause to require ONSWC and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving expert witness testimony on ONSWC's Application is scheduled to begin at 2:00 p.m., on Monday, November 4, 2024, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

2. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

3. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Wednesday, September 25, 2024;

4. That ONSWC's prefiled direct testimony and exhibits shall be filed on or before Thursday, September 5, 2024;

5. That the Public Staff and other intervenors prefiled direct testimony and exhibits of shall be filed on or before Wednesday, September 25, 2024;

6. That ONSWC's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before Tuesday, October 15, 2024;

7. That an officer or representative from ONSWC is required to appear before the Commission at the time and place of the expert witness hearings to testify concerning any of the information contained in the Application;

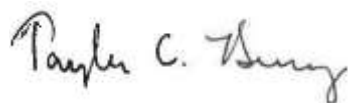
8. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

9. That ONSWC shall consult with all other parties and file, no later than Wednesday, October 30, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Friday, November 1, 2024, make a filing indicating their points of disagreement with the ONSWC's filing.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of May, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Taylor C. Berry, Deputy Clerk