

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-354, Sub 398

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Carolina Water)	
Service, Inc. of North Carolina,)	
5821 Fairview Road, Suite 401,)	
Charlotte, North Carolina)	CARTERET COUNTY'S
28209, for Certificate of)	PETITION TO INTERVENE AND
Convenience and Necessity)	MOTION TO EXTEND DATE OF
and to Establish Rates)	HEARING

NOW COMES Carteret County (“County”) and respectfully petitions to intervene in the above-captioned matter and to request an extension of the hearing date, due to the unavailability of the witnesses the County needs to offer in this matter. In support of this Petition, the County shows as follows.

1. The authorized representative of the Petitioner is Eugene Foxworth, Assistant County Manager with Carteret County. His business address is 210 Turner Street, Beaufort, North Carolina. His email address is eugene.foxworth@carteretcountync.gov

2. Legal counsel for the County in this matter is Claud R. Wheatly, III. His business address is Wheatley Law Group, PA, 710 Cedar Street, Beaufort, North Carolina. His email address is rob@wheatlylaw.com

3. The County has entered into an Asset Purchase Agreement to sell its water system to Carolina Water Service, Inc. of North Carolina (“CWSNC”).

4. On July 26, 2022, CWSNC filed an application to determine rate

base pursuant to N.C. Gen. Stat. § 62-133.1A in Docket No. W-354, Sub 398. On August 2, 2022, CWSNC filed an application for a Certificate of Public Convenience and Necessity in Docket No. W-354, Sub 399. Both of these applications pertain to the sale of the Carteret County water system to CWSNC.

5. The County has a strong interest in both these dockets and supports the applications filed by CWSNC. The County has prepared testimony it is ready to pre-file from Tommy Burns, County Manager, and Denise Meshaw, Assistant County Manager. Upon review of the Public Staff's testimony and upon careful consideration of some of the troubling recommendations, the County believes it important that it be heard.

6. Carteret County respectfully submits that it is important to the Commission for the County to be heard, as well. This was suggested by the Commission's scheduling order in two places. The Commission's September 13, 2022, scheduling order in this matter provides in ordering paragraph 5 "That an officer or representative from both CWSNC **and the County** 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 Applications." Emphasis added. Furthermore, ordering paragraph 17 provides "That CWSNC and the County may file rebuttal testimony and exhibits on or before Monday, March 27, 2023." On the basis of these ordering paragraphs it could appear that the County is assumed to be a party to the proceeding, and it could be concluded that the deadline for intervention in ordering paragraph 15 might apply to other intervenors.

7. However, in the “companion” docket, W-354 Sub 398, the County filed a Petition to Intervene and it does so here for consistency’s sake and to ensure that it is in compliance with Commission procedure and practice. Given the strong interest the County has in the outcome of this proceeding, the County requests that it be granted status as a party in this matter, as it was in the Sub 398 docket, and it further requests that the Commission excuse the timing of this Petition, under the circumstances.

8. Recognizing the prior practice and the utility of having intervention confirmed, the County respectfully submits this request for intervention. Additionally, and with appreciation for the Commission’s understanding of schedules, the County requests a brief delay in the scheduling of the hearing, so that it does not take place during the week of April 10th. There are significant scheduling conflicts that cannot be avoided for the only two witnesses who are empowered to address the County’s relevant issues before the Commission, and the County, with apologies for the disruption, would request that the schedule be modified to accommodate them.

The County is authorized to say that Carolina Water Service, Inc. of North Carolina supports the Petition to Intervene and the request to delay the hearing, as presented. It is also authorized to say that the Public Staff does not object to delaying the hearing.

9. Counsel for the County has requested and consents to the filing of this Petition by counsel for CWSNC on behalf of the County as a time-saving convenience to the County. However, counsel for CWSNC is not appearing as

a legal representative of the County.

WHEREFORE, the County requests that the Commission issue an order allowing the County to intervene in this docket as a party.

Respectfully submitted, this the 27th day of March, 2023.

s/Electronically Submitted

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Electronically Submitted by

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Carteret County's Petition to Intervene has been served on all parties or their counsel of record in these dockets by either depositing same in a depository of the United States Postal Service, first-class postage prepaid and mailed by the means specified below, or by electronic delivery.

This the 27th day of March, 2023.

/s/ Jo Anne Sanford