

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

Docket No. W-1049, Sub 25
Docket No. W-1328, Sub 2

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of A&D Water Services, Inc. and)	
Red Bird Utility Operating Company, LLC d/b/a)	MOTION TO CANCEL
Red Bird Water for Transfer of Public Utility)	PUBLIC WITNESS HEARING
Franchise and for Approval of Rates)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and moves the North Carolina Utilities Commission (Commission) to issue an order canceling the February 29, 2024, public witness hearing. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On October 9, 2020, A&D Water Service, Inc. (A&D), and Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed a joint application for approval of transfer of the assets of the water and/or wastewater utility systems serving the Buffalo Meadows, Camelot, Cinnamon Woods, High Vista, Hunters Glen, Kirk Glen, Mountain Valley, Rolling Oaks Estates, Sapphire Lakes, Sherwood Forest, Skyview Park, and White Oak Village subdivisions, in Ashe, Henderson, Buncombe, Transylvania and Gaston Counties, North Carolina, from A&D to Red Bird and approval of rates (Application). A&D currently serves 894 customers across these thirteen water and wastewater utility systems.

2. On January 23, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) setting this matter for public witness hearing on February 29, 2024. The Notice to Customers states that "...the Commission may cancel the public witness hearing if no significant protests are received on or before Monday, February 19, 2024."

3. The Scheduling Order directed Red Bird to provide the Notice to Customers no later than 6 business days after the date of the Scheduling Order.

4. Review of the Commission's online docket portal indicates that three customers have filed consumer statements in these dockets. The three comments expressed concerns over Red Bird's stated possible total future expenses and the degree of potential increased costs to customers.

5. As of the filing of this motion, the Public Staff is unaware of any other customer protests or comments made in connection with this matter. Further, the Applicant has represented to the Public Staff that it is not aware of any other customer protests or comments made in connection with this matter.

6. The Public Staff has reviewed the filed consumer statements of position. The Public Staff does not believe that the quantity of the filed consumer statements of position constitute the "significant protests" necessary to avoid the cancellation provision set forth in the Scheduling Order. Regarding the issues set forth in the consumer statements of position, they are well explained and can be considered on the merits by the Commission.

7. The Public Staff has contacted counsel for all parties in this docket. The Public Staff is authorized to represent that Red Bird supports this motion.

WHEREFORE, the Public Staff respectfully requests:

1. That the Commission cancel the public witness hearing scheduled for February 29, 2024; and
2. For such other and further relief as the Commission may deem just and proper.

Respectfully submitted, this the 21st day of February, 2024.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/ Davia A. Newell
Staff Attorney

4326 Mail Service Center
Raleigh, North Carolina 27699-4300
Telephone: (919) 733-0977
Email: davia.newell@psncuc.nc.gov

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing Motion upon each of the parties of record in this proceeding or the attorney of record of such party in accordance with Commission Rule R1-39, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 21st day of February, 2024.

Electronically submitted
/s/ Davia A. Newell