

March 7, 2024

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
Mail Service Center
Raleigh, North Carolina 27699-4300

**Re: Application by Red Bird Utility Operating Company, LLC (“Red Bird”) for a Certificate of Public Convenience and Necessity for Pine Mountain Lakes in Burke County, North Carolina, and for Approval of Rates
Docket No. W-1328, Sub 11**

Dear Ms. Dunston:

Enclosed please find a Joint Motion to Excuse Witnesses from Appearance at Hearing filed on behalf of Red Bird and the Public Staff – North Carolina Utilities Commission.

Please contact me if you or the Commission have any questions regarding this filing.

Sincerely yours,

/s/ Molly M. Jagannathan
Molly M. Jagannathan

Encl.

Cc: Parties of Record w/ Encl.

CERTIFICATE OF SERVICE**DOCKET NO. W-1328, SUB 11**

I hereby certify that a copy of the Joint Motion to Excuse Witness from Appearance at Hearing on behalf of Red Bird Utility Operating Company, LLC and the Public Staff – North Carolina Utilities Commission was served electronically or by depositing a copy of the same in the United States Mail, first class postage prepaid, at the addresses contained in the official service list in this proceeding.

This the 7th day of March 2024.

RED BIRD WATER UTILITY OPERATING COMPANY, LLC

/s/ Molly M. Jagannathan
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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application by Red Bird Utility Operating)	
Company, LLC d/b/a Red Bird Water, for a)	RED BIRD UTILITY OPERATING
Certificate of Public Convenience and)	COMPANY, LLC AND THE PUBLIC
Necessity to Provide Water and Wastewater)	STAFF'S JOINT MOTION TO
Utility Service to the Pine Mountain Lakes)	EXCUSE WITNESSES FROM
Subdivision in Burke County, North)	APPEARANCE AT HEARING
Carolina, and for Approval of Rates)	

NOW COME Red Bird Utility Operating Company, LLC (Red Bird or the Company) and the Public Staff – North Carolina Utilities Commission (Public Staff) pursuant to North Carolina Utilities Commission (Commission) Rule R1-5, and respectfully move that all witnesses be excused from testifying at the April 3, 2024 Evidentiary Hearing in the above-captioned matter. In support of this motion, Red Bird and the Public Staff show the following:

1. On September 30, 2021, Red Bird filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and wastewater utility service to the Pine Mountain subdivision in Burke County, North Carolina. Red Bird filed with the Commission supplemental and additional materials in support of the Application on November 3, 2021, February 3, 2023, October 19, 2023, and December 15, 2023.

2. On January 5, 2024, the Commission issued its Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. The Public Staff filed the requested data on January 12, 2024.
3. On January 16, 2024, the Commission issued its Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice.
4. On January 22, 2024, the Commission issued its Order Changing Expert Witness Hearing Date, Amending Customer Protest Deadline, and Approving Customer Notice (Revised Scheduling Order). Appendix A to the Revised Scheduling Order is the approved Notice to Customers stating that a public witness hearing is scheduled for February 20, 2024, and that the Commission may decide the matter without a public witness hearing if no significant protests are received by February 9, 2024.
5. On January 25, 2024, Red Bird filed a certificate of service stating that the Notice to Customers was mailed or hand delivered to all affected customers by the date specified in the Revised Scheduling Order.
6. On February 9, 2024, Red Bird filed the direct testimony and exhibits of Josiah Cox, President of Red Bird and CSWR, LLC.
7. On February 14, 2024, the Commission issued its Order Canceling Public Witness Hearing as no significant protests were received from customers.
8. On February 16, 2024, Red Bird filed a revised Application which contains the most up-to-date version of the Application and all of its attachments.
9. On February 23, 2024, the Public Staff filed a Motion for Extension of Time to File Testimony, and on February 28, 2024, the parties notified the Commission that they

had agreed in principle to a settlement and jointly requested leave to file a settlement agreement and stipulation and settlement testimony and exhibits in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits.

10. On March 4, 2024, the parties filed the Settlement Agreement and Stipulation (Stipulation) resolving all issues between the Public Staff and Red Bird (the Stipulating Parties). Also on March 4, 2024, Red Bird filed the Settlement Testimony of Josiah Cox, and the Public Staff filed the Joint Settlement Testimony of Meredith L. Strickland, Shashi M. Bhatta, and John R. Hinton, both in support of the Stipulation.

- a. The Stipulation provides that the Stipulating Parties agree that all pre-filed testimony and exhibits of the Stipulating Parties may be received in evidence without objection, and that each Stipulating Party waives all right to cross examine all of the Stipulating Parties' witnesses with respect to pre-filed testimony and exhibits.

11. The Stipulating Parties respectfully move that Red Bird witness Cox and Public Staff witnesses Strickland, Bhatta, and Hinton be excused from attending the evidentiary hearing in this docket.

12. Red Bird further moves that all pre-filed testimony of witness Cox be entered into the record as if given orally from the stand, and that all of his exhibits be admitted into evidence.

13. The Public Staff further moves that all pre-filed testimony of witnesses Strickland, Bhatta, and Hinton be entered into the record as if given orally from the stand, and that all the exhibits of these witnesses be admitted into evidence.
14. Red Bird further moves that the Application filed in this docket, along with the supplemental materials filed on November 3, 2021, February 3, 2023, October 19, 2023, and December 15, 2023, and the revised Application and attachments filed on February 16, 2024, be admitted into evidence.
15. Red Bird and the Public Staff further move that the Stipulation be admitted into evidence.
16. Red Bird has reached out to the parties of record in these dockets and received no objection to the filing of this Motion.

Respectfully submitted this 7th day of March, 2024.

Red Bird Utility Operating Company, LLC

/s/ Molly Jagannathan

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Public Staff – North Carolina Utilities Commission

/s/ Megan Jost

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