

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1333, SUB 5

In the Matter of)	
Application by Currituck Water & Sewer, LLC for a Certificate of Public Convenience and Necessity to Provide Water and Sewer Utility Service in Currituck County, North Carolina and for Approval of Rates)	JOINT MOTION FOR APPROVAL OF PARTIAL SETTLEMENT AGREEMENT, CANCELLATION OF HEARING ON MOTION TO SHOW CAUSE, AND AGREED REVISED SCHEDULING ORDER

Currituck Water and Sewer Company, LLC (CWS), through counsel, and the Public Staff - North Carolina Utilities Commission (Public Staff), through its Executive Director, Christopher J. Ayers (collectively, the Parties) request that the North Carolina Utilities Commission (Commission) approve the Partial Settlement Agreement and Agreed Revised Scheduling Order (Partial Settlement Agreement), attached as Exhibit A. In support of this Joint Motion, the Parties show the following:

1. This docket arises from CWS's application for a certificate of public convenience and necessity to provide water and wastewater service to the Carolina Village Subdivision in Currituck County submitted to the Commission on August 16, 2023.

2. In accordance with its Order Scheduling Hearing, Establishing Discovery Guidelines and Requiring Customer Notice dated February 14, 2024 (Scheduling Order), the Commission established, among other things, a schedule

for conducting discovery and dates for hearings and for other ancillary proceedings in the docket. In its Order Rescheduling Public Witness Hearing and Revising Date for Reports and Customer Notice dated February 29, 2024 (Rescheduling Order), the Commission rescheduled the customer hearing to May 9, 2024.

3. On March 26, 2024, the Public Staff filed a Motion for Show Cause and for the Appointment of an Emergency Operator (Public Staff Motion).

4. On April 9, 2024, the Commission issued its Order Scheduling Show Cause Hearing that scheduled a hearing on the Public Staff Motion to begin at 1:00 p.m. on May 6, 2024.

5. CWS and the Public Staff have conferred and have reached an agreement that, if approved by the Commission, will (1) stay consideration of the Public Staff Motion; (2) cancel the hearing scheduled on May 6, 2024; and (3) modify the schedule set forth in the Scheduling Order by extending the deadlines for submission of the Parties' pre-filed testimony and rescheduling the expert witness hearing.

6. The Parties are not proposing any change to the dates for the customer hearing and written work products related to the same set forth in the Rescheduling Order.

WHEREFORE, the Parties move that the Commission issue an order (1) approving the Partial Settlement Agreement; (2) staying consideration of the Public Staff Motion; (3) canceling the hearing scheduled on May 6, 2024; (4) rescheduling

the expert witness hearing to a date no earlier than October 1, 2024; and (5) establishing new deadlines for the Parties' pre-filed testimony based upon the new date for the expert witness hearing.

Respectfully submitted this first day of May, 2024.

/s/ Reita D. Coxton

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*Counsel for Currituck Water & Sewer,
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Joint Motion to each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 1st day of May, 2024.

Electronically submitted
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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
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DOCKET NO. W-1333, SUB 5

In the Matter of)
Application by Currituck Water &)
Sewer, LLC for a Certificate of)
Public Convenience and Necessity)
to Provide Water and Sewer Utility)
Service in Currituck County, North)
Carolina and for Approval of Rates)

**PARTIAL SETTLEMENT AGREEMENT AND AGREED REVISED SCHEDULING
ORDER**

On April 24, 2024, a tour of the Carolina Village MHP Water and Wastewater Systems was conducted during which members of the Public Staff – North Carolina Utilities Commission (“Public Staff”) and the North Carolina Department of Environmental Quality (“DEQ”) were able to observe the systems and ask questions of representatives of Currituck Water & Sewer, LLC (“Currituck”). Given Currituck’s improvements to the Water and Wastewater Systems observed during the visit, and Currituck’s commitments to continue and complete additional improvements and provide additional information to the Public Staff, Currituck and the Public Staff believe that certain adjustments to the pending schedule are appropriate. Specifically, the parties agree to the following:

1. Currituck will provide responses and any additional information not previously provided to pending Data Requests Nos. 5, 12, 16, 18, and 19 by May 1, 2024, or as immediately thereafter as possible. The Public Staff will promptly clarify with Currituck what information, if any, it still believes should be provided on or before May 1, 2024, with respect to these requests to assist Currituck.

2. Without waiver of each parties' rights, the parties agree to strictly adhere to the discovery guidelines included in the Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice issued on February 14, 2024. Without waiving its rights, Currituck further agrees that it will (1) fully respond to all future data requests from the Public Staff within the time specified in the request and (2) promptly update the Public Staff on any changes to information previously provided in Currituck's application or data request responses.

3. The parties agree that further proceedings concerning the Public Staff's Motion to Show Cause should be stayed and the May 6, 2024, hearing concerning the Motion to Show Cause should be cancelled. On or before May 3, 2024, the parties will make a joint request to the North Carolina Utilities Commission ("Commission") promptly following entry into this agreement to stay consideration of the Motion to Show Cause and cancel the May 6, 2024, hearing.

4. Either party may, at a later date, request that the Commission remove the stay on the Motion to Show Cause and request a hearing concerning same should they believe there is good cause to do so.

5. The parties further agree that certain adjustments should be made to the schedule concerning filings and submissions relating to Currituck's Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (the "CPCN Application"). Specifically, the parties agree that the evidentiary hearing currently scheduled for July 8, 2024 should be rescheduled to a date convenient to the Commission, but no earlier than October 1, 2024. All pre-filed testimony deadlines should be extended and re-established based on the new evidentiary hearing date. A suggested schedule based upon an October 1, 2024 evidentiary hearing is proposed below. The parties are not proposing modification of the date of the public witness hearing, the

date on which Currituck’s report on the public hearing is due, or the date on which the Public Staff’s response to Currituck’s report on the public hearing is due.

Task	Current Deadline	Modified Deadline
Public Hearing	May 9, 2024	May 9, 2024
Currituck Public Hearing Report	May 24, 2024	May 24, 2024
Public Staff Response to Public Hearing Report	June 7, 2024	June 7, 2024
Currituck Pre-Filed Direct Testimony	May 9, 2024	August 1, 2024
Public Staff Pre-Filed Direct Testimony	May 29, 2024	August 23, 2024
Currituck Pre-Filed Rebuttal Testimony	June 18, 2024	September 12, 2024
Witness Lists	July 3, 2024	September 26, 2024
Evidentiary Hearing	July 8, 2024	October 1, 2024

To facilitate the modified schedule above, Currituck waives the deadline for a Commission order set forth in North Carolina Gen. Stat. § 62-111.

6. Beginning the week of May 6, 2024, and continuing monthly thereafter until the completion of the Evidentiary Hearing, Currituck agrees to file written status reports with the Commission and provide a copy of the same to the Public Staff concerning its efforts to implement capital and other improvements to the Carolina Village MHP Water and Wastewater Systems. Currituck also agrees to discuss such reports, and any reasonable follow-up relating to such, with representatives of the Public Staff upon request as appropriate. The parties agree to work together to determine an appropriate schedule for such discussions and/or meetings. The parties also agree to work together to permit site inspections and wastewater and water quality testing, as appropriate, during this same period.

7. Currituck agrees it will file a project schedule with the Commission and provide a copy of the same to the Public Staff on or before May 6, 2024, depicting proposed capital and other repairs and improvements to be made at the Carolina Village MHP. The schedule will include dates regarding lift station rehabilitation, membrane bioreactors for the wastewater treatment plant, infiltration pond improvements, and improvements to the drinking water system.

Currituck further agrees to notify the Commission and the Public Staff of any changes that result in a delay in the total project schedule of seven (7) or more days or an increase in the current estimated budget of ten percent (10%) or more within one business day.

8. Currituck will also work on additional operational and administrative improvements, including (as appropriate) staffing and procedure changes for managerial and technical staff, including customer service, and will inform the Public Staff of these improvements in a timely manner.

9. By making this agreement, neither party is waiving any rights or arguments it may have with respect to the issues presented either by the Motion to Show Cause or the CPCN Application.

Agreed to May 1, 2024 by:

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