

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1146, SUB 13
DOCKET NO. W-1328, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application by Red Bird Utility Operating Company, LLC, and Total Environmental Solutions, Inc., for Authority to Transfer the Lake Royale Subdivision Water and Wastewater Utility Systems and Public Utility Franchise in Franklin and Nash Counties, North Carolina, and for Approval of Rates))))))))))	ORDER GRANTING EXTENSION OF TIME TO FILE DIRECT TESTIMONY AND SERVE DISCOVERY
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BY THE PRESIDING COMMISSIONER: On June 7, 2021, Red Bird Utility Operating Company, LLC (Red Bird), and Total Environmental Solutions, Inc. (TESI), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water and wastewater utility systems and public utility franchise serving Lake Royale Subdivision (Lake Royale) in Franklin and Nash Counties, North Carolina, from TESI to Red Bird and approval of rates.

On July 11, 2023, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) scheduling deadlines for the completion of discovery in this matter and requiring, among other things, that Red Bird prefile all direct testimony on or before August 24, 2023, and that the Public Staff file its direct testimony on or before September 13, 2023.

On August 25, 2023, Red Bird filed a Motion for Extension of Time to File Testimony (Motion) requesting an extension of time, *nunc pro tunc*, to file direct testimony to Wednesday, August 30, 2023. In support of its Motion, Red Bird states that a miscommunication occurred between Red Bird and its counsel regarding the due date for direct testimony and that allowing Red Bird's direct testimony is a predicate to the development of a complete evidentiary record and is in the public interest.

In connection with its Motion, Red Bird also requests that the time for the Public Staff and intervenors, if any, to file testimony be extended by the same six-day interval to September 19, 2023, and that the October 3, 2023, due date for filing any rebuttal testimony by Red Bird remain the same as set in the Scheduling Order.

Red Bird represents that the Public Staff does not oppose Red Bird's request so long as the Public Staff may serve discovery on Red Bird's direct testimony until September 6, 2023.

Based on the foregoing and the entire record herein, the Presiding Commissioner finds good cause to grant Red Bird's Motion to extend the deadline for filing its direct testimony to August 30, 2023; the deadline for the Public Staff and intervenors, if any, to file testimony to September 19, 2023; and the deadline for the Public Staff to serve discovery on Red Bird's direct testimony until September 6, 2023. With the exception of the specifically stated extensions, all other deadlines in the Scheduling Order remain as originally ordered.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Tamika D. Conyers". The signature is written in a cursive style with a large, stylized initial 'T'.

Tamika D. Conyers, Deputy Clerk