

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1259, SUB 5  
DOCKET NO. W-1328, SUB 6

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Meadowlands Development, LLC, )  
for Transfer of Public Utility Franchise to Red ) SECOND ORDER DETERMINING  
Bird Utility Operating Company, LLC d/b/a Red ) APPLICATION INCOMPLETE  
Bird Water, and for Approval of Rates )

BY THE PRESIDING COMMISSIONER: On June 30, 2023, North Carolina Session Law 2023-67, entitled “An Act to Expedite Transfer of Water or Wastewater Public Utilities” (the Act), was signed into law by Governor Roy Cooper, having been previously ratified by the North Carolina General Assembly. The Act provides timelines for the Commission’s consideration of applications for grants or transfers of certificates of public convenience and necessity (CPCN) for certain water and wastewater systems.

Section 1.(b) of the Act applies to applications for grant or transfer of CPCNs for water and wastewater systems currently pending before the Commission as of June 30, 2023. Among other things, this section requires the Commission to provide notice by July 31, 2023, whether any pending application is complete.

On June 30, 2023, the Commission issued an Order Requiring Report of the Public Staff and Initiating Rulemaking Proceeding which, in part, directed the Public Staff to file on or before July 25, 2023, whether each application identified by the Public Staff as subject to the provisions of Section 1.(b) of the Act is complete and identifying any deficiency in any identified application that is not complete.

On July 25, 2023, the Public Staff filed a letter stating that it deems the application filed in this docket “incomplete because the information included in the application and on file with the Commission is too outdated for the Public Staff to make a recommendation and for the Commission to make a determination as to whether the application should be approved.” The Public Staff further states in its letter that it recommends the Commission “(1) determine that the application is incomplete and (2) direct the Company to file an amended application form and all required exhibits with information current as of no earlier than December 31, 2022.”

On July 28, 2023, the Commission issued an Order Determining Application Incomplete which, in part, directed the applicant to file an amended application form and all required exhibits with information current as of no earlier than December 31, 2022.

On August 17, 2023, the applicant filed additional information.

On August 23, 2030, the Public Staff filed a letter outlining the deficiencies in the application and recommending that the Commission find the application incomplete.

Based on the foregoing, and review of the application and the subsequent filings in the docket by the Public Staff and the applicant, the Presiding Commissioner finds that the application is incomplete. The applicant shall file information sufficient to address the deficiencies noted in the Public Staff's letter of August 23, 2023. No later than 10 business days after the additional information is filed, the Public Staff shall file with the Commission and serve upon the applicant a notice stating that the application is considered complete with the additional information, or a notice stating that the application is incomplete with the deficiencies identified.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of September, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Tamika D. Conyers". The signature is written in black ink and is positioned above the printed name of the signatory.

Tamika D. Conyers, Deputy Clerk