

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1300, Sub 98

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Old North State Water Company, Inc. for a Certificate of Public Convenience and Necessity to Provide Water Utility Service to Olivet Subdivision, in Franklin County, North Carolina and for Approval of Rates )  
) ORDER SCHEDULING HEARING  
) AND ESTABLISHING PROCEDURAL  
) AND FILING REQUIREMENTS  
)  
)

BY THE CHAIR: On April 23, 2024, Old North State Water Company, Inc. (ONSWC) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water utility service to Olivet subdivision in Franklin County, North Carolina in accordance with N.C. Gen. Stat § 62-110.

ONSWC expects to eventually serve 36 residential customers in the Olivet subdivision, a newly developed service area in Franklin County, North Carolina. ONSWC indicates that it will purchase the water system from the developer for \$1,000 per residential equivalent unit. ONSWC further indicates that there are no planned improvements or additions required for the water system in the next five years.

ONSWC proposes to charge the Monthly Residential Metered Rate approved in Docket No. W-1300, Sub 60 on June 13, 2022, which are as follows:

Monthly Residential Metered Rates:

Monthly Base Rate (zero usage):	\$ 24.11
Usage Rate per 1,000 gallons:	\$ 7.57
<u>Connection Fee:</u>	\$ 1,000.00

On April 25, 2024, the Commission issued an Order Requiring Notice from the Public Staff, which required the Public Staff to file and serve upon the Applicant a notice regarding whether the Application is considered complete, and if incomplete, identifying any deficiencies in the Application.

On May 10, 2024, the Public Staff filed a letter with the Commission indicating that this docket includes all the information required for a complete application.

On May 13, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data.

On May 20, 2024, the Public Staff provided the information requested by the Commission.

On May 23, 2024, the Public Staff filed an Application Status Letter stating that based on its review and the specific circumstances of the application, it intends to bring the matter before the Commission at an upcoming Staff Conference, and at that time, recommend approval of the Application, issuance of the requested certificate of public convenience and necessity, and approval of the requested rates. The Public Staff further noted that due to the foregoing, neither it nor ONSWC believe it is necessary for the Commission to issue an order scheduling the matter for hearing.

The Chair notes that ONSWC has not waived the requirement under N.C.G.S. § 62-111 that directs the Commission to issue an order in this proceeding within 300 days of receipt of a complete application. In order to meet this requirement, the Chair determines that this matter shall be scheduled for hearing. The Public Staff may present this matter at a regularly scheduled Staff Conference, and should the matter be approved during Staff Conference, the hearing shall be canceled.

Based upon the foregoing, and the recommendation of the Public Staff that the Application is complete, the Chair hereby establishes the procedural schedule, including filing requirements of ONSWC, the Public Staff, and other intervenors.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for filing of Public Staff and other intervenor testimony. Notice of deposition shall be served on all parties at least seven business days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests, and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for filing of Public Staff and other intervenor testimony, shall be served on the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within one business day after such a motion is filed.

3. Formal discovery requests related to the Application and ONSWC's prefiled direct and supplemental testimony shall be served on ONSWC not later than 14 business days prior to the deadline for filing of Public Staff and other intervenor testimony. The

party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten business days prior to the deadline for filing of Public Staff and other intervenor testimony.

4. Formal discovery requests related to the Public Staff or other intervenors' prefiled direct testimony shall be served not later than three business days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five business days after that party's testimony was filed.

5. Formal discovery requests related to ONSWC's prefiled rebuttal testimony shall be served not later than two business days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three business days after ONSWC's rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two business days to file with the Commission a motion to compel, and the party objecting to discovery shall have one business day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Chair urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. Discovery in most proceedings before the Commission is typically conducted without the need for Commission involvement or enforcement of the guidelines. The guidelines established in this Order are without prejudice to the parties' conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving expert witness testimony on ONSWC's Application is scheduled to begin at 2:00 p.m., on Monday, December 16, 2024,

and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

2. That an officer or representative from ONSWC is required to appear before the Commission at the time and place of the expert witness hearings to testify concerning any of the information contained in the Application

3. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

4. That ONSWC's prefiled direct testimony and exhibits shall be filed on or before October 17, 2024;

5. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than November 6, 2024;

6. That the Public Staff and other intervenors prefiled direct testimony and exhibits of shall be filed on or before November 6, 2024;

7. That ONSWC's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before November 26, 2024;

8. That all parties filing supporting exhibits in Excel or PDF format shall provide to the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.gov, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of issuance of this Order if already filed with the Commission). That ONSWC and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact; and

9. That ONSWC shall consult with all other parties and file, not later than December 11, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination of each witness. If the parties cannot reach agreement, the remaining parties shall, not later than December 13, 2024, make a filing indicating their points of disagreement with ONSWC's filing.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of May, 2024.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk