

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

Docket No.: W-1297, Sub 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

PINNACLE BANK, as successor by merger	)	
with BANK OF NORTH CAROLINA,	)	
	)	
Complainant,	)	<b><u>FOURTH MOTION FOR EXTENSION</u></b>
	)	<b><u>OF TIME</u></b>
v.	)	
	)	
HARKERS ISLAND SEWER COMPANY,	)	
	)	
Respondent.	)	

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NOW COMES Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), by and through the undersigned counsel, and moves that the Commission grant it a second extension of time to reply to the Answer of Respondent as directed via Order Serving Corrected Answers and Responses entered June 18, 2019 for a period of twenty (20) days through and including August 20, 2019. In support of this Motion, Pinnacle states the following:

1. Complainant initially filed its Complaint on May 2, 2019.
2. Following receipt of Respondent's Answer, on June 27, 2019, Complainant filed its first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission on July 1, 2019.
3. On July 31, 2019, Complainant filed its second first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission on August 1, 2019.

4. On August 19, 2019, Complainant filed its third first motion for extension of time to reply to the Answer of Respondent, which was allowed by the Commission on August 22, 2019.

5. The present deadline before which Complainant is charged with responding to the Answer of Respondent is September 20, 2019.

6. In connection with the aforementioned motion, Counsel for Complainant and Counsel for Respondent indicated a need for additional time to exchange information relevant to the issues raised in the Complaint and to discuss options to resolve the dispute. Complainant and Respondent remain engaged in active discussions and requests additional time to respond to the Answer of Respondent to allow those discussions to continue in good faith.

7. Complainant does not yet know whether a hearing on the matters raised in the Complaint will be requested, but would like to provide the parties with a continued opportunity to exchange information and engage in further discussions before requesting such a hearing.

8. Complainant hereby submits to the Commission a request for a thirty (30) day extension of time to submit a reply to the Answer of Respondent up to and including October 21, 2019.

9. Counsel for Complainant has conferred with Counsel for Respondent, and Counsel for Respondent has consented to the request for an extension as outlined herein.

10. This Motion is timely filed on or before the Commission's prior Order seeking a response on or before September 20, 2019.

WHEREFORE, the undersigned counsel for Complainant Pinnacle respectfully requests that the Commission issue an Order Granting Extension of Time through and including October 21, 2019 to submit a response to the Answer of Respondent.

A Proposed order is attached for the convenience of the Commission.

This the 19th day of September, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S ANSWER TO COMPLAINT on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.  
DAVIS HARTMAN WRIGHT, PLLC  
209 Pollock Street  
New Bern, NC 28560  
Email: icw@dhwlegal.com  
Attorney for Respondent HISCO

This the 19th day of September, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

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<b>PINNACLE BANK, as successor by merger</b>	)	
<b>with BANK OF NORTH CAROLINA,</b>	)	
	)	
<b>Complainant,</b>	)	<b><u>ORDER GRANTING FOURTH</u></b>
	)	<b><u>MOTION FOR EXTENSION OF TIME</u></b>
<b>v.</b>	)	
	)	
<b>HARKERS ISLAND SEWER COMPANY,</b>	)	
	)	
<b>Respondent.</b>	)	

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BY THE COMMISSION: On September 19, 2019, Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), through counsel, filed a Motion for Extension of Time to File Response to the Answer to Complaint in the above-captioned proceeding for the purposes of allowing the parties additional time to exchange information that may be relevant to the issues raised in the above-captioned matter. Complainant further informs the Commission that counsel for Respondent consents to the Motion for an extension of time to file a response to the Answer to Complaint.

The Commission has reviewed the record, including the Complainant's Motion, and finds that good cause exists to grant the extension of time from September 21, 2019 to October 21, 2019 for Complainant to file a response to the Answer to Complaint. The Commission further finds good cause to serve this Order on the Parties by electronic mail, delivery confirmation requested.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the \_\_\_\_\_ day of September, 2019.

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\_\_\_\_\_, Deputy Clerk