STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. W-992, SUB 8 DOCKET NO. W-1328, SUB 9

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Red Bird Utility Operating
Company, LLC, 1650 Des Peres Road, Suite
303, St. Louis, Missouri 63131, and Crosby
Utilities, Inc., 7536 NC 39 Hwy, Zebulon,
North Carolina 27597, for Authority to Transfer
the Baywood Forest Subdivision Water and
Wastewater Utility Systems and the
Cottonwood Subdivision Wastewater Utility
System and Public Utility Franchise in Wake
County, North Carolina, and for Approval of
Rates

ORDER CANCELING PUBLIC WITNESS HEARING AND REQUIRING CUSTOMER NOTICE

BY THE PRESIDING COMMISSIONER: On October 22, 2020, Red Bird Utility Operating Company, LLC (Red Bird), and Crosby Utilities, Inc. (Crosby), 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 all of Crosby's service areas in Wake County, North Carolina, from Crosby to Red Bird and approval of rates. Red Bird filed with the Commission supplemental and additional materials in support of the Application on May 27, May 28, and October 8, 2021, and on June 14 and July 18, 2022.

On September 22, 2022, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) that, among other things, scheduled a public witness hearing to be held Monday, January 23, 2023, at 7:00 p.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The public witness hearing was scheduled for the sole purpose of receiving testimony from the water and wastewater utility customers of Crosby. Crosby currently serves 290 residential customers in the Baywood Forest Subdivision and Cottonwood Subdivision. The Scheduling Order states that the public witness hearing is subject to cancellation if no significant protests are received from customers by Monday, January 9, 2023.

On January 11, 2023, the Public Staff filed a motion requesting that the public witness hearing scheduled for January 23, 2023, be canceled. In support of its motion, the Public Staff states that it has reviewed the seven consumer statements of position that have been filed in this proceeding and that each of the seven consumers identified

the same concern regarding the rates proposed by Red Bird for consideration in a future rate case. The Public Staff further states that the issues set forth in the seven consumer statements of position are well explained. The Public Staff notes that neither the Public Staff, Crosby, nor Red Bird are aware of any other customer protests or comments made in connection with this proceeding. Finally, the Public Staff considers that neither the quantity nor contents of the filed consumer statements of position constitute the "significant protests" necessary to avoid the cancellation provision set forth in the Commission's Scheduling Order. The Public Staff states that neither Crosby nor Red Bird object to canceling the public witness hearing.

Based upon the foregoing, the Presiding Commissioner finds that the public witness hearing scheduled for 7:00 p.m., on January 23, 2023, in Raleigh, North Carolina should be canceled, and notice to customers of the cancellation should be required.

IT IS, THEREFORE, ORDERED as follows:

- 1. That the public witness hearing previously scheduled for 7:00 p.m., on Monday, January 23, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina is hereby canceled;
- 2. That a copy of this Order should be mailed with sufficient postage or hand delivered by Red Bird to all affected customers no later than January 19, 2023, and that Red Bird shall submit to the Commission the attached Certificate of Service, properly signed and notarized, no later than January 20, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 17th day of January, 2023.

NORTH CAROLINA UTILITIES COMMISSION

Tamika D. Conyers, Deputy Clerk

CERTIFICATE OF SERVICE

I,			, mailed wit	h sufficient
postage or	hand delivered to all	affected cu	stomers a copy of the Order iss	ued by the
North Caro	olina Utilities Commiss	sion in Dock	et Nos. W-992, Sub 8 and W-13	328, Sub 9,
and said O	rder was mailed or ha	nd delivered	d by the date specified in the Ord	er.
This	the day of		2023.	
		By:		
		Бу	Signature	
		_	Name of Utility Compa	ny
The	above named A	Applicant,		,
personally a	appeared before me tl	nis day and,	being first duly sworn, says that t	he required
Order was	mailed or hand del	ivered to a	ll affected customers, as requi	red by the
Commission Order dated			in Docket Nos. W-992,	Sub 8 and
W-1328, St	ub 9.			
Witn	ess my hand and nota	arial seal, thi	s the day of	2023.
		_	Notary Public	
		_	Address	
(SEAL)	My Commission Ex	pires: _	Date	