

BUFFKIN LAW OFFICE

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March 9, 2023

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, NC 27699-4300
Via electronic filing only

RE: Case Status Report of WLI Investments, LLC (Docket No. W-1300, Sub 77, and No. W-1305, Sub 35)

Dear Ms. Dunston,

Please find enclosed for filing in the above-captioned dockets the Case Status Report of WLI Investments, LLC.

Should you have any questions regarding this filing, please contact me at your earliest convenience.

Sincerely,

/s/ Patrick Buffkin

Patrick Buffkin

Buffkin Law Office

Enclosures

Cc: Mr. Dan Higgins, Counsel for Pluris Hampstead, LLC; Mr. David Drooz, Counsel for Old North State Water Company

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Mar 09 2023

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, SUB 35

DOCKET NO. W-1300, SUB 77

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

WLI Investments, LLC,)	
)	
Complainant)	CASE STATUS REPORT OF WLI INVESTMENTS, LLC
)	
v.)	
)	
Pluris Hampstead, LLC, and Old North State)	
Water Company, LLC,)	
)	
Respondents.)	

NOW COMES WLI Investments, LLC, (“WLI Investments”), by and through the undersigned counsel and files this Case Status Report in compliance with Ordering Paragraph No. 2 of the Commission’s *Order Granting Motion to Hold Dockets in Abeyance and Requiring Periodic Reports*, which was issued in this proceeding on January 10, 2023. WLI Investments respectfully shows unto the Commission the following, constituting its Case Status Report:

1. As noted in the Joint Case Status Report filed in this proceeding on January 2, 2023 (“Joint Case Status Report”), WLI Investments, Pluris Hampstead, LLC, (“Pluris”), and Old North State Water Company, LLC (“Old North State,” collectively “the Parties”) have reached agreement to settle this matter. Among the agreements reached between the Parties is that WLI Investments will request that the Commission hold in abeyance further proceedings upon the Complaint in these dockets. Upon completion of certain reviews and approvals as agreed upon between the Parties, WLI Investments will file a Notice of Dismissal with prejudice in the

above-captioned dockets. In addition, contemporaneous with the filing of the Notice of Dismissal, WLI Investments will request that the Commission approve the pending Application for Transfer of Public Utility Franchises and for Approval of Rates in Docket Nos. W-1300, Sub 69, and W-1305, Sub 29 (the “Transfer Proceeding”).

2. As also noted in the Joint Case Status Report, the Parties believed that no further action by the Commission, except as appropriate in response to the above-referenced filings was required or necessary at that time.

3. As forecasted in the Joint Case Status Report and as agreed upon among the Parties, on January 6, 2023, WLI Investments filed its motion to hold this proceeding in abeyance.

4. On January 10, 2023, the Commission issued an *Order Granting Motion to Hold Dockets in Abeyance and Requiring Periodic Reports*.

5. Since the issuance of the Commission’s *Order Granting Motion to Hold Dockets in Abeyance and Requiring Periodic Reports*, WLI Investments has been diligently pursuing the preparation and completion of an alternative sewer extension application to seek approval of the plans to construct the wastewater collection system in suitable form for submission to the North Carolina Department of Environmental Quality. The primary reasons for the need to produce a new application were the terms and conditions of the Parties’ settlement agreement, more specifically, that settlement agreement requires certain specified component parts and additional, more detailed modeling of the wastewater collection system. These requirements, which were an essential part of the Parties’ agreement to settle this matter, essentially required WLI Investments’ engineers to begin work on the application as if it were an entirely new application, as opposed to simply updating and resubmitting the previous application.

6. Since the Commission issued its *Order Granting Motion to Hold Dockets in Abeyance and Requiring Periodic Reports*, Old North State Water Company and Pluris have contacted WLI Investments several times through the Parties' respective counsel. In general, these communications have been for the purpose of inquiring as to the status of the engineering work required to deliver to the Respondents an application for their reviews and approvals, and, most recently, have included an expression of concern at the delay and its impact on the Transfer Proceeding. WLI Investments has responded to each contact and provided the most up-to-date information available in response to these communications. In explanation, WLI Investments has stated to the Respondents that the necessary engineering work to complete the applications is underway, but ultimately the timing of the completion of that work is beyond WLI Investments' ability to control and is largely due to a backlog of work being experienced throughout the engineering profession in Southeastern North Carolina.

7. As recently as the date of this Case Status Report, WLI Investments has provided to Old North State Water Company and Pluris a draft application for review while WLI Investments' engineers continue work on the supporting documentation to accompany the application.

8. At this time, there remains no need for Commission action in response to this Case Status Report or the similar report(s) to be filed by the Respondents. The Parties' settlement agreement is in place, and neither its validity nor the Parties' intentions to perform on the commitments therein has, to WLI Investment's knowledge, been questioned by any party. Moreover, there is no issue between the Parties for the Commission to resolve as the only impediment to the implementation of the Parties' settlement agreement is the completion of the engineering work, the review and approval of the application by the Respondents, and submission

of the completed and signed application to the Department of Environmental Quality. WLI Investments continues to diligently pursue the completion of the application, and WLI Investments has reason to expect that it will be complete soon and certainly within three months (the date of the next required filing of a case status report), but likely well before that time.

WHEREFORE, WLI Investments respectfully requests that the Commission accept this Case Status Report in compliance with Ordering Paragraph No. 2 of the Commission's *Order Granting Motion to Hold Dockets in Abeyance and Requiring Periodic Reports*, which was issued in this proceeding on January 10, 2023.

Respectfully submitted this 9th day of March, 2023.

BUFFKIN LAW OFFICE
By: /s/ Patrick Buffkin
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COUNSEL FOR WLI
INVESTMENTS, LLC

CERTIFICATE OF SERVICE

The undersigned, Patrick Buffkin, certifies that a copy of the foregoing Case Status Report has been served upon counsel for the Respondents herein by electronic mail this the 9th day of March, 2023.

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*COUNSEL FOR WLI
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