

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1297, SUB 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)
)
Pinnacle Bank, as successor by merger with)
Bank of North Carolina,)
Complainant)
v.)
)
Harkers Island Sewer Company,)
Respondent)

SECOND MOTION FOR
EXTENSION OF TIME TO
FILE RESPONSE OR ANSWER TO
COMPLAINT

NOW COMES Respondent Harkers Island Sewer Company (“HISCO”), by and through the undersigned counsel, and moves that the Commission grant it a second extension of time to respond to Complainant’s Complaint, through and including June 14, 2019. In support of this Motion, Respondent states the following:

1. Complainant initially filed its Complaint on May 2, 2019.
2. On May 10, 2019, the Commission issued its “Order Serving Complaint” directing Respondent HISCO to file an answer or other response on or before May 24, 2019.
3. The undersigned first was contacted by Respondent HISCO regarding representation in this matter on or about May 19, 2019.
4. On May 24, 2019, the undersigned counsel requested an extension of time through and including June 4, 2019. Complainant’s counsel did not oppose the request for an extension of time, contingent upon it being for no longer than approximately 10 days.
5. By order entered May 30, 2019, the Commission granted the requested extension through and including June 4, 2019.
6. On Sunday, June 2, 2019, a very close friend of the undersigned counsel and his family was severely wounded in a shark attack at Fort Macon State Park. From approximately 3:00 PM on June 2, 2019 through the present, the undersigned has been engaged in providing assistance to the victim [now publicly identified as Ms. Paige Winter] and her family.

7. While the undersigned has employed the assistance of his law partner, J. Michael Genest, Mr. Genest is not familiar with the history of this matter, while the undersigned is, having provided some legal representation to Respondent HISCO on environmental permitting matters related to the regulation and operation of the HISCO WWTPs and related collection systems.

8. Due to the terrible events of the afternoon of June 2nd, the undersigned counsel for Respondent HISCO respectfully requests an additional 10 day extension of time to answer or otherwise respond to the Complaint in this matter.

9. The undersigned's office staff and Mr. Genest have reached out to counsel for Complainant Pinnacle Bank to request their support for this extension of time request. As of the current date [June 3, 2019] and time [approximately 4:00 PM], the undersigned's office has not heard back from Complainant's counsel.

10. This Motion is timely filed as it is filed on or before the Commission's prior [10-day extension] Order extending the deadline for filing answer or other responsive pleading.

11. The undersigned counsel for Respondent HISCO respectfully contends to the Commission that the extraordinary nature of these circumstances and the interests of justice support the undersigned's additional 10-day extension of time request.

WHEREFORE, the undersigned counsel for Respondent HISCO respectfully requests that the Commission issue an Order Granting Extension of Time through and including June 14, 2019 to respond to Complainant's Complaint. A Proposed order is attached for the convenience of the Commission.

This the 3rd day of June, 2019.

Electronically submitted

/s/ I. Clark Wright, Jr.

I. CLARK WRIGHT, JR.

N.C. Bar No. 11163

For the Firm of

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Attorney for Respondent HISCO

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing SECOND MOTION FOR EXTENSION OF TIME TO FILE RESPONSE OR 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:

Alan B. Powell
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High Point, NC 27261
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This the 3rd day of June, 2019.

Electronically submitted

/s/ I. Clark Wright, Jr.

I. CLARK WRIGHT, JR.

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Attorney for Respondent HISCO

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ORDER GRANTING SECOND
MOTION FOR EXTENSION OF TIME

BY THE COMMISSION: On June 3, 2019, Harkers Island Sewer Company (Respondent), through counsel, filed a Second Motion for Extension of Time to File Response or Answer Complaint (Second Motion) in the above-captioned proceeding. In its Second Motion, Respondent informs the Commission, among other things, that the Order Serving Complaint was issued on May 10, 2019. Respondent was advised to either file an answer or satisfy the demands of the Complaint by May 24, 2019. Respondent also informs the Commission that on May 24, 2019, counsel for Respondent requested an extension of time to and including June 4, 2019 to respond to Complainant's Complaint, which said request was granted by the Commission. Respondent now informs the Commission that a very close friend of Respondent's counsel was severely wounded in a shark attack on June 2, 2019, and that since the attack he has been engaged in providing assistance to the victim and her family, and that these extraordinary circumstances support his additional 10-day extension of time request. Respondent further informs the Commission that counsel for Complainant has been notified of the request for the additional 10-day extension of time and the reasons therefore, to request their support for the additional extension of time request, but as of the time of filing the Second Motion for the additional 10-day extension of time, counsel for Respondent had not received a response from Complainant's counsel.

The Commission has reviewed the record, including Respondent's Second Motion, and finds that good cause exists to grant the extension of time from June 4, 2019 to June 14, 2019, for Respondent to either file answer or satisfy the demands of the 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 June, 2019.

NORTH CAROLINA UTILITIES COMMISSION

_____, Deputy Clerk