

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1040, SUB 10
DOCKET NO. W-1328, SUB 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Red Bird Utility Operating)	
Company, LLC, 1650 Des Peres Road,)	ORDER EXTENDING
Suite 303, St. Louis, Missouri 63131, and)	DEADLINE TO FILE
Bear Den Acres Development, Inc., 600 Bear)	PROPOSED ORDERS
Den Mountain Road, Spruce Pine, North)	
Carolina 28777, for Authority to Transfer the)	
Bear Den Acres Development Water System)	
and Public Utility Franchise in McDowell County,)	
North Carolina, and for Approval of Rates)	

BY THE PRESIDING COMMISSIONER: On December 4, 2020, Red Bird Utility Operating Company, LLC (Red Bird), and Bear Den Acres Development, Inc. (Bear Den), filed with the Commission an Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the water utility system and public utility franchise serving Bear Den Acres Development in McDowell County, North Carolina, from Bear Den to Red Bird and approval of rates. Red Bird filed with the Commission supplemental and additional materials in support of its Application on March 29, April 19, and April 20, 2021.

On January 5, 2022, the Commission issued a Scheduling Order in the above-captioned dockets that, among other things, set a deadline for filing customer protests within 45 days of the date of the customer notice.

Between February 28 and March 15, 2022, the Commission received three consumer protests to the transfer application. Due to the limited number of protests, it was not deemed significant protest, therefore no public witness hearing was scheduled.

On March 28, 2022, the Commission held an expert witness hearing and instructed the parties to provide late-filed exhibits within three weeks from March 28, and file proposed orders within 30 days of the availability of the transcript.

On April 18, 2022, Red Bird filed additional information, and the Public Staff filed Late Filed Exhibit 1 as requested by the Commission at the conclusion of the expert witness hearing.

On April 20, 2022, the final transcript was filed, and the Commission issued a Notice of Due Date for Proposed Orders requiring proposed orders to be filed no later than May 20, 2022.

Between May 6 and May 9, 2022, nine additional consumer protests were filed in the docket. Eight of these consumer statements were timely submitted but were not visible in the Commission's electronic docket system at the time the Commission determined that a public witness hearing was not necessary, and neither the Commission nor the Public Staff was aware that a total of 13 consumer statements had been received.

On May 19, 2022, the Public Staff filed a motion requesting that the Commission schedule a public witness hearing in this matter and extend the deadline for proposed orders until after the conclusion of any public witness hearing.

Based on the foregoing, the Presiding Commissioner hereby finds good cause to extend the deadline for filing proposed orders pending a decision on any public witness hearing. A subsequent order ruling on the motion for public witness hearing and setting a schedule for proposed orders will be forthcoming.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 20th day of May, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk