

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of | |
| Application of Red Bird Utility Operating |) |
| Company, LLC, d/b/a Red Bird Water |) |
| for a Certificate of Public Convenience |) |
| and Necessity to Provide Water and |) |
| Sewer Utility Service to Pine Mountain |) |
| Lakes Subdivision in Burke County, |) |
| North Carolina, and for Approval of Rates |) |
| | ORDER FINDING APPLICATION |
| | COMPLETE AND REQUIRING |
| | THE PUBLIC STAFF TO PROVIDE |
| | SPECIFIC APPLICATION DATA |

BY THE PRESIDING COMMISSIONER: On September 30, 2021, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and sewer utility service to Pine Mountain Lakes subdivision in Burke County, North Carolina.

Red Bird filed with the Commission supplemental and additional materials in support of the Application on November 3, 2021; and February 3, 2023.

On June 30, 2023, North Carolina Session Law 2023-67, entitled “An Act to Expedite Transfer of Water or Wastewater Public Utilities” (the Act), was signed into law by Governor Roy Cooper, having been previously ratified by the North Carolina General Assembly. The Act provides timelines for the Commission’s consideration of applications for grants or transfers of certificates of public convenience and necessity (CPCN) for certain water and wastewater systems.

Section 1.(b) of the Act applies to applications for grant or transfer of CPCNs for water and wastewater systems currently pending before the Commission as of June 30, 2023. Among other things, this section requires the Commission to provide notice by July 31, 2023, whether any pending application is complete.

On July 25, 2023, the Public Staff filed a second deficiency letter outlining additional, updated information that was needed to complete the Application and recommended that the Commission determine that the Application is incomplete.

On July 31, 2023, the Commission issued an Order Finding Application Incomplete (Incomplete Application Order).

On October 19, 2023, pursuant to the Commission's Incomplete Application Order, Red Bird filed additional information to address the issues identified in the Public Staff's July 31, 2023, letter.

On November 2, 2023, the Public Staff filed a third deficiency letter stating that it reviewed the additional information provided by Red Bird on October 19, 2023, and that the Application remains incomplete. The Public Staff's letter outlined the information needed to complete the Application and recommended that the Commission determine that the Application is incomplete.

On November 3, 2023, the Commission issued a Second Order Determining Application Incomplete (Second Incomplete Application Order).

On December 15, 2023, pursuant to the Commission's Second Incomplete Application Order, Red Bird filed additional information to address the deficiencies outlined in the Public Staff's November 3, 2023, letter.

On January 3, 2024, the Public Staff filed a letter with the Commission indicating that this docket now includes all the information required for a complete Application.

Based on the foregoing, the recommendation of the Public Staff, and the entire record in this proceeding, the Presiding Commissioner finds good cause to determine that the Application in this matter is complete, and that the Public Staff shall provide to the Commission, within five business days of the date of this Order, the following information regarding the Application:

1. The number and type of customers to be served by Red Bird;
2. The rates currently being charged to customers, including the docket number, if applicable, in which the current rates were approved by the Commission and the effective date for the current rates;
3. The proposed rates Red Bird seeks to charge if the Commission approves the issuance of a CPCN to Red Bird for the provision of water and sewer service to the Pine Mountain Lakes subdivision;
4. If an increase in rates is proposed, provide the impact on the average monthly residential water and sewer bill under the proposed rates compared to current rates. For metered rates, indicate the average monthly usage used in your calculations; and
5. Briefly summarize any pertinent points from the application such as a description of any planned capital improvements, the related dollar amounts, the

estimated total impact on annual revenue requirement, and the estimated impact on the average monthly residential water and sewer bill.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of January, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, reading "Tamika D. Conyers". The signature is written in a cursive, flowing style.

Tamika D. Conyers, Deputy Clerk