

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1333, SUB 0
DOCKET NO. W-1130, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	PUBLIC STAFF'S
Application by Currituck Water and)	OBJECTIONS TO CERTAIN
Sewer, LLC, 4700 Homewood Court,)	DATA REQUESTS OF
Suite 108, Raleigh, North Carolina)	CURRITUCK WATER AND
27609, and Sandler Utilities at Mill Run,)	SEWER, LLC
LLC, 448 Viking Drive, Suite 220,)	
Virginia Beach, Virginia 23452, for)	
Authority to Transfer the Sandler)	
Utilities at Mill Run Wastewater System)	
and Public Utility Franchise in Currituck)	
County, North Carolina, and for)	
Approval of Rates)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and pursuant to Rule R1-24 and Rule 26 of the North Carolina Rules of Civil Procedure, hereby objects to the data requests of Currituck Water and Sewer, LLC (Currituck) to Public Staff witnesses D. Michael Franklin, Robert Tankard, and David May and as to General Questions posed by Currituck as follows:

Currituck's Data Requests to D. Michael Franklin:

DR.3 In the experience of the Public Staff, how long would it take equipment to degrade to the point of failure without proper maintenance?

Response: The Public Staff objects to this question, as it calls for undue speculation and deems this request overly broad. Without waiving its objection, the Public Staff notes different types of equipment can have very different expected service lives and very different maintenance recommendations from the manufacturers.

- DR4.** Please verify that the Public Staff was provided photos of the conditions of the wastewater plant on August 4, 2020.
- a. If so, what did the photos indicate?
 - b. In the experience of the Public Staff, how long would it take for a plant to degrade to the point shown in those photos?

Response: The Public Staff objects to this request as the content is outside the scope of Mr. Franklin's direct testimony and calls for undue speculation. Without waiving its objections, on February 28, 2022, Mr. Franklin received an email from Mr. Michael Myers containing 15 photos that Mr. Myers described as being taken "shortly before Envirolink took over operations of the facility". According to the file information associated with each photo, the photos were all taken on August 1, 2020. Conditions such as air quality, weather exposure, and humidity can affect the external condition of equipment, but may not be representative of the equipment's functional condition.

- DR 5.** In the experience of Mr. Franklin or others on the Public Staff, is the treatment process described in Mr. May and Mr. Tankard's testimony capable of meeting reclaimed standards without filters and ultraviolet disinfection?

Response: The Public Staff objects to this request as it calls for undue speculation. The term "treatment process" is vague and ambiguous.

- DR 6.** Based on the knowledge of Mr. Franklin or others on the Public Staff of the Eagle Creek wastewater system, what would cause high

ammonia in the groundwater wells and how long would it take to show up in the groundwater?

Response: The Public Staff objects to this request as the information requested is outside the scope of Mr. Franklin's direct testimony and calls for undue speculation. Without waiving its objection, the term "high" is vague and ambiguous. Constituent levels would be dependent on a number of factors including, but not limited to, volume, concentration level, and migration.

- DR 7.** The Franklin testimony cites the survey conducted at Eagle Creek. Please explain how survey questions are designed and conducted to ensure they do not introduce bias into the survey results?

Response: The Public Staff objects to this request as the content is outside the scope of Mr. Franklin's direct testimony and requests that the Public Staff provide research and/or explanation regarding a survey that it did not conduct.

- DR 11.** Did the Public Staff request information from Flovac and/or Qua-vac regarding retrofitting of Airvac systems and what caused the owners to convert from Airvac?

Response: The Public Staff objects to this request as the content is outside the scope of Mr. Franklin's direct testimony. Without waiving its objection, to my knowledge the Public Staff did not request information from Flovac and/or Qua-vac.

- DR. 13.** Regarding the Public Staff's assessment of the Oak Island vacuum system.

- a. You describe the occurrence of service failure as “rare” and then state that the system experiences approximately 5 failures per month.
 - ii. What does the Public maintain is an acceptable rate of failure for a collection system?

Response: The Public Staff objects to this request as the term “failure” is vague and ambiguous. It is unclear from the question what is meant by “failure”. A failure could be an SSO, a pit failure, a vacuum valve failure, controller failure or an entire wastewater system failure. The Public Staff is unable to provide a response without further clarity on the type of failure Currituck is referring.

- b. In the event of failure, on average how long before a home would experience a backup?
 - i. Please compare that time period to gravity, low pressure and STEP.

Response: The Public Staff objects to this question, as it calls for undue speculation and deems this request overly broad requiring a case- by-case analysis.

- DR 15.** Please explain the apparent conflict between disallowing cost recovery for controller and valve rebuilding and replacement and your statement regarding there being additional life in the vacuum system because of the controller and valve rebuilding/replacements.

Response: The Public Staff objects to this request as it is misleading and based on a false assumption. Without waiving its objection, customers should not have included in rates the costs for controllers and vacuum valves that were required to be replaced repeatedly due to the failure to address the issues that caused the failures in the first place and then took minimal action to correct these issues. In 2021, Sandler took additional actions as a result of the Consent Judgment and Amended Consent Judgment to address the long-standing equipment issues, therefore some equipment is not original and has additional remaining useful life.

DR 16. Your testimony states that Sandler did not properly maintain the Eagle Creek wastewater system. In your opinion, how long would it take a wastewater system to degrade to the point of failure without proper maintenance?

Response: The Public Staff objects to this question, as it calls for undue speculation and deems this request overly broad as it is a case-by-case situation, impacted by factors including, but not limited to, exposure to elements, material, and maintenance.

DR 19. Your testimony on the life of the Eagle Creek assets did not include the vacuum station. What is the Public Staff's opinion on the condition of the vacuum station?

Response: The Public Staff objects to this request as it calls for undue speculation. Requesting the Public Staff's opinion on the condition of the vacuum station is a broad category since the vacuum station is comprised of numerous components.

DR 34. Please list the number of wastewater collection systems the Commission regulates.

Response: The Public Staff objects on the grounds that this question calls for speculation and seeks information beyond the scope of direct examination.

Currituck's Data Requests to Robert Tankard and David May:

DR.2. On Page 5, line18 information indicates that you “conduct inspections and receive and evaluate sanitary sewer overflow reports.” Please provide all inspections conducted of the Eagle Creek Wastewater Collection System between 1997 and present?

RESPONSE: The Public Staff objects to this request as it is unclear what is meant by “provide all inspections.” To the extent this means reports produced after site inspections, the request is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, inspection reports from January 2012 to present are provided as Attachment 1.

DR 4. On Page 7, you provide a description of the wastewater treatment facility and that “when treated the water meets reclaimed effluent standards.” In your experience is this treatment process able to reliability meet reclaimed effluent limits without filtration and/or ultraviolet disinfection?

RESPONSE: The Public Staff objects to this request as the terms “filtration” and “this treatment process” are vague and ambiguous, and the scope of the witnesses’ testimony is limited to describing equipment rather than any “treatment process.” Subject to and without waiving the foregoing objections, all permitted systems must be designed, operated and maintained to meet effluent standards. Treatment methods vary by system.

DR 7. Mr. Franklin and Mrs. May/Mr. Tankard’s testimony makes reference to the City of New Bern’s vacuum collection system as an example of a properly operated and maintained vacuum system.

- a. Other than Eagle Creek, please indicate if you are aware of any other vacuum system that have problems similar to Eagle Creek?

RESPONSE: The Public Staff objects to this request as the term “similar” is vague and ambiguous. Subject to and without waiving the foregoing objection, Mr. Tankard and Mr. May have not seen issues with vacuum collection systems of the scope and duration of those at Eagle Creek during their careers.

- b. Are you aware of any other Airvac vacuum systems where Airvac competitors (Flovac and Qua-vac) have retrofitted their product into Airvac vacuum systems and the purpose for the retrofit?

RESPONSE: The Public Staff objects to this request on grounds that the question is vague and ambiguous as to what is meant by “retrofit” and to what “their product” refers. Subject to and without waiving the foregoing objections, Mr. May and Mr. Tankard are not specifically aware of collection systems except that at Eagle Creek at which products from different vacuum system manufacturers are used in a single system.

- c. Please provide information on why Airvac and Flovac developed monitoring systems for vacuum systems?

RESPONSE: The Public Staff objects to this request as it is beyond the scope of the witnesses’ testimony and calls for speculation. Mr. May and Mr. Tankard do not have personal knowledge of the history of efforts by companies such as Airvac and Flovac to develop monitoring systems or the specifics of those companies’ motivations for those efforts.

DR. 8. On Page 11, you state that Envirolink purchased Envirotech in the Spring 2020.

- d. Which individuals operated the Eagle Creek vacuum system between the spring of 2020 and September 7, 2020?

RESPONSE: The Public Staff objects to this request as unreasonable and unduly burdensome as this information is already in the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge of the identities of all individuals operating the Eagle Creek vacuum system between the spring of 2020 and September 7, 2020. The names of individual technicians are not required to be provided to DWR, and an Operator Designation Form naming the Operator in Responsible Charge has not been submitted to DWR for the Eagle Creek collection system since 2018.

- e. Where these Envirolink employees or a former Envirotech employees?

RESPONSE: The Public Staff objects to this request as unreasonable and unduly burdensome as this information is already in the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge of whether the technicians who operated the Eagle Creek vacuum system during the referenced time period were Envirolink employees or former Envirotech employees.

- f. Please indicate how many Envirotech employees were assigned to the Eagle Creek vacuum collection system while Envirotech served as operator.

RESPONSE: The Public Staff objects to this request to the extent it asks for information beyond the scope of the witnesses' testimony and is unduly burdensome. Subject to and without waiving the foregoing objection, Envirotech designated at least one operator in responsible charge and at least one backup operator in responsible charge. The total number of Envirotech employees was not required to be provided to DWR.

- DR 9.** On Page 11, you state that you received three complaints between 2002 and 2020. However, there is customer testimony and accounting records that indicate the system experienced numerous service issues during this period. Please explain why the system was experiencing service issues but DEQ would not be receiving complaints?

RESPONSE: The Public Staff objects to this request as it calls for speculation. The Public Staff further objects to the request as vague and ambiguous to the extent the request does not identify the "customer testimony" or "accounting records" and does not describe the "numerous" service issues being referenced. Subject to and without waiving the foregoing objections, Mr. Tankard and Mr. May do not have personal knowledge of why particular residents would or would not have decided to make a complaint about unspecified service issues.

- DR 11.** On Page 11, you stated that the treatment and disposal system did not experience major operational problems while Envirotech was the operator.

- c. Please state whether you evaluated the data being submitted to DEQ to determine if the data was representative of the effluent being generated from the Eagle Creek wastewater treatment plant?

RESPONSE: The Public Staff objects as the question is vague and ambiguous as to what data is intended. Subject to and without waiving the foregoing objection and to the extent the question refers to effluent data from non-discharge monitoring reports and groundwater sampling, Mr. May and Mr. Tankard are not personally aware of regional office staff having identified problems with effluent reporting.

- d. In your experience, is a treatment plant with aeration and clarification without filters capable of reliably meeting Biochemical Oxygen Demand, Total Suspended Solids, Total Phosphorus and/or turbidity standards?

RESPONSE: The Public Staff objects to this request as “filter” is vague and ambiguous and “standards” is not defined. Subject to and without waiving the foregoing objection, all permitted systems must be designed, operated and maintained to meet effluent standards applicable to the type of treatment system. Treatment methods vary by system, and effluent standards vary by the type of treatment method and method of disposal.

- e. Please explain why monitoring wells show high levels of ammonia, if as you maintain the wastewater treatment system was not experiencing major operational problems?

RESPONSE: The Public Staff objects to this request as vague and ambiguous because it does not identify the monitoring wells alleged to show high levels of ammonia and when those high levels occurred. Subject to and without waiving the foregoing objection, it is the Permittee’s responsibility to determine why monitoring wells show high levels of ammonia and to take appropriate corrective action. A Notice of Regulatory Requirements was sent to Sandler on November 15, 2019 and Sandler has failed to respond.

- DR 12.** The testimony states that the following problems were addressed:
- I. Failure to post notices at the Mill Creek Golf Club that reclaimed water was used for irrigation.

- II. a time when controllers were not sending non-reclaimed quality water away from the irrigation basin
- III. difficulty maintaining the infiltration basin

b. Please explain the discrepancy between this statement and recent inspection reports and the recently issued permit that requires notices be posted and maintenance on the infiltration pond?

RESPONSE: The Public Staff objects to this request as vague and ambiguous because it does not identify what statement is being referenced and does not identify any “recent inspection reports” or any alleged discrepancy. Subject to and without waiving the foregoing objections, permit conditions requiring (1) that notices of reclaimed water use are posted, and (2) requiring maintenance and operating procedures for all aspects of the treatment and disposal system, are required by all permits for this type of disposal system.

- c. Please explain the condition of the plant in August 2020, shortly before the former Envirotech employees were replaced with Envirolink employees?

RESPONSE: The Public Staff objects to this request as overly broad, unduly burdensome, vague and ambiguous to the extent “condition” is an incredibly broad term that is undefined here and to the extent this information is already in the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objections, see response to question #2.

- DR. 13.** The testimony states that three Notices of Violations were issued related to collection system and seven Notices of Violation were issued related to the treatment and disposal system. In addition, you cite the reason for the violation but did not provide any evidence showing these issues were corrected. Please provide evidence that these issues were corrected.

RESPONSE: Objection. The question is vague and ambiguous as to which notices of violation are referenced. Subject to and without waiving the foregoing objection, and to the extent the question refers to the information provided in Mr. May and Mr. Tankard’s testimony on page 12, non-discharge monitoring reports showed correction of effluent limit

violations. For correction of other violations, please see responses to question 11.

DR 15. The testimony indicates that the fecal samples in the stormwater showed levels too numerous to count.

g. Have you performed samples prior to or since this event? If so, please provide the results?

RESPONSE: The Public Staff objects to this request on the grounds that “this event” is not defined and vague. To the extent this event refers to the inspection on October 27, 2020, Mr. May and Mr. Tankard do not have knowledge of samples taken prior to or subsequent to this date.

h. In your experience, what are sources of fecal samples? E.g., is wastewater the only potential reason for a sample to come back as too numerous to count?

RESPONSE: Objection, this is beyond the scope of the witnesses’ testimony, and “fecal samples” is undefined and ambiguous. Subject to and without waiving the foregoing objection, there are multiple sources of fecal matter in the environment. Where sampling is performed at the site of a sanitary sewer overflow, wastewater is the most likely cause of fecal coliform detections.

DR 16. The testimony states that on August 19, 2020, “shortly after Envirolink took over” that DEQ held an inspection and list the following issues:

- I. the tertiary filter was not operational and was being bypassed;
- II. one of the aeration basins was closed and had vegetation growth in it;
- III. operational logs were not present on site;
- IV. there was an excessive amount of woody vegetation growing around the high rate infiltration pond;
- V. However, no significant issues or findings were noted by the next inspection on October 21, 2020.

b. Please provide the name of the operator at the time of the August 19, 2020 inspection.

RESPONSE: The Public Staff objects to this request as this information is already within the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge of the name of the technician present at the Eagle Creek treatment and disposal system at the time of the August 19, 2020 inspection.

- i. Please provide information on how long the aeration basin had been closed and why vegetation was growing in it?

RESPONSE: The Public Staff objects to this request as it calls for speculation. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge as to how long the aeration basin was closed or why vegetation was growing in it. In addition, the operator's log should reflect operational conditions at the plant, to include the status of the aeration basin and related maintenance activities. DWR does not have readily available access to operator's logs.

- j. Please provide information on how long an operator log was not being maintained.

RESPONSE: The Public Staff objects to this request on the grounds that it calls for speculation. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge as to how long the operator log was not maintained. Logs reflecting this information as well as the responsibilities of operators and facility owners are set forth at 15A NCAC 8G "Wastewater Operator Rules."

- k. Please provide information on how long wood vegetation growing around the high rate infiltration basin was present on the high rate infiltration pond.

RESPONSE: The Public Staff objects to this request on the grounds that it calls for speculation. Subject to and without waiving the foregoing objection, inspection records indicate that woody vegetation around the high rate infiltration pond has been a persistent issue since at least 2012.

- l. Please explain why the items noted on the August 19th inspection had not been addressed prior to this inspection.

RESPONSE The Public Staff objects to this request on the grounds that the question assumes evidence that was not in testimony and calls for

speculation. Subject to and without waiving the foregoing objections, DWR's inspection prior to August 19, 2020 was on April 18, 2018 at which time the only issues noted were vegetation in the infiltration pond and the stormwater pump not functioning.

DR 17. The testimony indicates that overflows or spills were observed as a result of the filters being bypassed.

m. Please provide information on when the spills were identified by the operator and the time period between when the spills were identified and when corrective action was completed?

RESPONSE: The Public Staff objects as this information is already within the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objection, two spills were identified during two separate unannounced inspections of the treatment and disposal system. The spills were not reported to DWR, rather DWR staff discovered the spills during the two inspections. The on-site operator stated that the first spill lasted from 8:00 a.m. to 1:00 p.m. on November 29, 2021. However, DWR staff observed the first spill at 1:00 p.m. on November 29, 2021, and saw that it was ongoing when DWR staff left Eagle Creek at 1:30 p.m. The on-site operator estimated the second spill lasted for three hours on December 10, 2021, but DWR staff were unable to verify this statement.

n. Please provide information on the quality of effluent since November 2021 and
o. present?

RESPONSE: The Public Staff objects to this request on the grounds that it is overly broad, vague and ambiguous to the extent it seeks "information on the quality of effluent." Subject to and without waiving the foregoing objection, such information can be found in the facility's non-discharge monitoring reports, which are in the possession of or readily available to CWS and Envirolink. Non-discharge monitoring reports that Envirolink submitted to DWR are also available to the public at:
<https://edocs.deq.nc.gov/WaterResources/Browse.aspx?id=650314&dbid=0&repo=WaterResources>.

DR 21. Do the witnesses maintain that none of the issues addressed in this answer existed prior to Envirolink's taking over as operator?

RESPONSE: The Public Staff objects to this request on grounds that “this answer” is vague and ambiguous. Subject to and without waiving the foregoing objection, and to the extent “this answer” refers to the answer to the question on page 17, lines 15-17, asking the witnesses to “describe the performance and compliance issues that have occurred at the treatment and disposal system since August 1, 2020,” in providing this answer, Mr. Tankard and Mr. May sought to provide a true and accurate response to the question posed. Mr. May and Mr. Tankard do not maintain that there were no compliance issues at the collection system prior to Envirolink taking over as operator.

- DR. 28.** Please list the total number of wastewater collection systems that are overseen by the Washington Regional Office of which vacuum systems consist of approximately 4.

RESPONSE: The Public Staff objects as this question seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objection, the Washington Regional Office oversees approximately 45 permitted collection systems and 62 deemed permitted collection systems for operation and maintenance.

- DR 29.** How many vacuum systems are in operation across the state?

RESPONSE: The Public Staff objects as this question seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objection, there are approximately 14 permitted vacuum systems in North Carolina.

.As the Franklin testimony indicates only the Eagle Creek vacuum system is one that is regulated by the Utilities Commission. Do the witnesses May and Tankard agree that only the Eagle Creek vacuum system is one that is regulated by the Utilities Commission?

RESPONSE: The Public Staff objects on the grounds that question calls for speculation and seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge of whether the Eagle Creek vacuum system is the only one regulated by the Utilities Commission.

DR 31. As for the vacuum systems in the state that are not regulated by the Utilities Commission, how are the rates to consumers of the services of the systems established?

RESPONSE: The Public Staff objects as this question calls for speculation and seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objection, Mr. May and Mr. Tankard do not have personal knowledge of how the rates to consumers are established for systems not regulated by the Utilities Commission.

DR 32. How does the number of vacuum systems in operation across the state compare to the total number of systems in operation across the state?

RESPONSE: The Public Staff objects on grounds that this question is vague, ambiguous, and seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objection, there are approximately 322 permitted collection systems in North Carolina of which 14 are vacuum systems.

DR 34. Please list the number of wastewater collection systems the Commission regulates.

RESPONSE: The Public Staff objects on the grounds that this question calls for speculation and seeks information beyond the scope of direct examination. Subject to and without waiving the foregoing objections, Mr. May and Mr. Tankard do not have personal knowledge as to the number of wastewater collection systems the Commission regulates.

DR 39. The testimony describes the injunctive relief was intended to restore service and prevent future SSOs.

RESPONSE: The Public Staff objects on the grounds that the request is overly broad, vague and unduly burdensome. Subject to and without waiving the foregoing objections:

- c. In your experience,
 - i. what would cause a vacuum system not to provide service to a customer?

RESPONSE: The Public Staff objects to this question as overly broad and to the extent it calls for speculation. Subject to and without waiving the foregoing objections, improper operation and maintenance is one cause of system failures.

ii.what is a reasonable time period to respond and take corrective action?

RESPONSE: The Public Staff objects to this request as overly broad, vague, and ambiguous. Without knowing details regarding the nature of the issue for which corrective action is required, this question cannot be answered.

iii.what happens if the service is not located and repaired in this time period?

RESPONSE: The Public Staff objects to this request as overly broad, vague, and ambiguous. Without knowing details regarding the nature of the issue for which corrective action is required, this question cannot be answered.

iv.what is a typical response time for low pressure, STEP or gravity?

RESPONSE: The Public Staff objects to this request as overly broad, vague, and ambiguous. Without knowing the nature of the issue for which corrective action is required, this question cannot be answered.

- v. what is the typical frequency of service failures for:
1. Gravity
 2. STEP
 3. Low Pressure
 4. Vacuum

RESPONSE: The Public Staff objects to this request as overly broad, vague, and ambiguous. Without knowing the nature of the issue for which corrective action is required, this question cannot be answered.

DR 40. The testimony states that Sandler failed to have technicians on site from 4 am to 12 am Monday through Friday.

- p. Were not technicians on-site during hours when they were not required to be on-site at other times not stipulated in the Consent Judgment?

RESPONSE: The Public Staff objects on the grounds that the request is vague and ambiguous, and on the grounds that the information requested is already in the possession of or readily available to CWS and Envirolink. Subject to and without waiving the foregoing objections, the Consent Judgment and Amended Consent Judgment require the system to be operated and maintained in compliance with the permit and the state's water quality laws in a manner that prevents the discharge of waste onto land or into surface waters, among other requirements. Any specific timeframes set forth in the Consent Judgment and Amended Consent Judgment requiring technicians be on site do not preclude technicians from being present at the site at times that are not expressly referenced in the Consent Judgment and Amended Consent Judgment. The Permittee must ensure that technicians are on site as needed to operate the system in compliance with all requirements of the Consent Judgment and Amended Consent Judgment.

DR 41. Please explain why after 20 years of service issues on the Eagle Creek collection system, DEQ filed for injunctive relief when it did?

RESPONSE: The Public Staff objects to this request on the grounds that it is vague and ambiguous as it references "20 years of service issues" without explanation. Subject to and without waiving the foregoing objection, the events leading to the filing of the motion for injunctive relief are described in Mr. May and Mr. Tankard's testimony.

DR 42. Please provide any all correspondence whether internally, between DEQ and residents, between DEQ and Public Staff as it relates to the Eagle Creek wastewater system and these transfer proceedings.

RESPONSE: The Public Staff objects on the grounds that the request is overly broad and unduly burdensome given the time allotted for these responses, and to the extent this request seeks privileged information. Subject to and without waiving the foregoing objection, DEQ is willing to

discuss with CWS the scope of this request and a reasonable schedule for production of unprivileged documents.

DR 44. The testimony states that Mr. Rigsby's evaluation was not yet complete. However, it is our understanding that this report has been completed and that the report conflicts with several statements provided in Mr. Franklin and Mr. May/Mr. Tankard's testimony. Specifically, please provide an explanation regarding the following:

- q. Service reliability assessment of vacuum sewer collection versus statements provided in this testimony.
- r. The history of service issues with the Eagle Creek wastewater system versus statements provided in testimony.
- s. The condition of the Eagle Creek wastewater system.

RESPONSE: The Public Staff objects on the grounds that the request is vague and ambiguous and requests information that is outside the scope of Mr. May and Mr. Tankard's testimony. Mr. May and Mr. Tankard did not have Mr. Rigsby's report at the time their testimony was filed. The Public Staff further objects to the extent that the request does not identify any so called "conflicts" for which the requests seeks an explanation. Without knowing what purported conflicts the request assumes exists, a response cannot be provided.

DR. 45. The testimony states that Mr. Rigsby's evaluation was not yet complete. However, it is our understanding that this report has been completed and that the report conflicts with several statements provided in Mr. Franklin and Mr. May/Mr. Tankard's testimony. Specifically, please provide an explanation regarding the following:

- t. Service reliability assessment of vacuum sewer collection versus statements provided in this testimony.
- u. The history of service issues with the Eagle Creek wastewater system versus statements provided in testimony.
- v. The condition of the Eagle Creek wastewater system.

RESPONSE: The Public Staff objects on the grounds that the request is vague and ambiguous and requests information that is outside the scope of Mr. May and Mr. Tankard's testimony. Mr. May and Mr. Tankard did not have Mr. Rigsby's report at the time their testimony was filed. The Public Staff further objects to the extent that the request does not identify any so

called “conflicts” for which the requests seeks an explanation. Without knowing what purported conflicts the request assumes exists, a response cannot be provided.

General Questions of Currituck Related to Franklin, May, and Tankard Testimony

DR. 2. On Page 5, line 18 information indicates that you “conduct inspections and receive and evaluate sanitary sewer overflow reports.” Please provide all inspections conducted of the Eagle Creek Wastewater Collection System between 1997 and present?

RESPONSE: The Public Staff objects to this request as it is unclear what is meant by “provide all inspections.” To the extent this means reports produced after site inspections, the request is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, inspection reports from January 2012 to present are provided as Attachment 1.

DR 3. Can the Public Staff or DEQ provide information on the actions taken to address past service and compliance Issues at Eagle Creek?

Response: The Public Staff objects to this question as the question is vague as to what is meant by “service and compliance issues,” and is overly broad, and unduly burdensome. Without waiving its objection, please see the response to Question 1 and the direct testimony of Mr. Franklin in this proceeding.

DR 4. Provide a list of each regulated utility in NC and the bond requirement for each.

Response: The Public Staff objects as this question is overly broad and would require the Public Staff to conduct research in the docket system for information readily available to Currituck. This information is maintained by the NCUC and not the Public Staff.

DR 5. Please provide evidence that each bond is active and in place.

Response: The Public Staff objects as this question is overly broad and unduly burdensome and would require the Public Staff to conduct research in the docket system for information readily available to Currituck. .This information is maintained by the NCUC and not the Public Staff.

DR 6. Recognizing that Currituck Water & Sewer has significant capital resources, please provide evidence that the NCUC requires all regulated utilities in NC to provide sufficient capital resources.

Response: The Public Staff objects to this request as the Company is requesting the Public Staff perform research on its behalf and deems the request overly broad. Without waiving its objection, financial viability is a serious concern of, and significant consideration for the Public Staff when reviewing applications for CPCNs, transfers, and general rate cases. A utility needs to have access to capital at a reasonable cost to finance necessary improvements and replacements to ensure safe and reliable service at just and reasonable rates.

DR 7. Please provide correspondence between

- a. DEQ and Rolf Blizzard for Pine Island between 2010 and present
- b. NCUC and Rolf Blizzard for Pine Island between 2010 and present
- c. DEQ and Ray Hallowell for Kinnakeet Shores between 2010 and present
- d. NCUC and Ray Hallowell for Kinnakeet Shores between 2010 and present
- e. DEQ and the Town of Robersonville, prior to 2012
- f. DEQ and the Town of Maysville between 2010 and present

Response: The Public Staff objects to this request as the content is outside the scope of Mr. Franklin's direct testimony and deems the request overly broad and unduly burdensome.

Respectfully submitted this 15th day of March, 2022.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Dianna W. Downey
Chief Counsel

Electronically submitted
/s/ Gina C. Holt
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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Motion upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 15th day of March, 2022.

Electronically submitted
/s/ Gina C. Holt