

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1073, SUB 7  
DOCKET NO. W-354, SUB 396

In the Matter of: )  
 )  
Application by Carolina Water Service, Inc. of )  
North Carolina and Water Resource )  
Management for Authority to Transfer the )  
Echota Water Utility System, the Seven Devils )  
Wastewater Utility System and Public Utility )  
Franchise in Watauga County, North Carolina, )  
and for Approval of Rates )

**Petition to Substitute  
Intervention of  
Lake Community Property  
Owner’s Association, Inc.  
And Alternatively, Notice of  
Appearance of Counsel**

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The Lake Community Property Owner’s Association, Inc. (“Petitioner”), by and through its undersigned attorneys, respectfully requests that the North Carolina Utilities Commission (the “Commission”) allow it to intervene in the above-referenced docket, pursuant to N.C. Gen. Stat. § 62-72 and Rule R1-19 of the Rules and Regulations of the Commission, and grant Petitioner leave to participate fully as a party in these dockets. In support of Petitioner’s Request, Intervenors Edward B. Winn, Jr., and James D. Moore, III, respectfully move the Commission move that the Petitioner be permitted to intervene in lieu of the Interventions of Mr. Winn and Mr. Moore. In support of this Petition, Petitioner shows the Commission the following:

1. Petitioner is an association of homeowners in the Lake Community subdivision in Watauga County, North Carolina, organized as an incorporated non-profit association existing under the laws of the State of North Carolina
2. Petitioner’s post-office address is P.O. Box 1838, Banner Elk, NC 28604.

3. Petitioner's representative in this proceeding, to whom all notices, pleadings and other documents related to this proceeding should be directed is

**The Allen Law Offices, PLLC**  
Brady W. Allen  
Dwight W. Allen  
4030 Wake Forest Rd., Suite 115  
Raleigh, NC 27604  
Telephone: (919)-838-5175  
[Brady.Allen@theallenlawoffices.com](mailto:Brady.Allen@theallenlawoffices.com)

4. Petitioner agrees to accept electronic service of all filings in the dockets.
5. Petitioner's membership includes residents of the Lakes Community. As a subdivision, the Lakes Community has 70 homes. All households are members of the Lake Community Property Owner's Association.
6. The Petitioner's members use the wastewater treatments services that have been provided by Water Resource Management at the Seven Devils Wastewater Utility System that are subject to be transferred to Carolina Water Services, Inc. of North Carolina ("CWSNC") in this proceeding.
7. 70 of the 149 customers of the Seven Devils Wastewater Utility System are Petitioner's members.
8. On September 2, 2022, the Commission ordered any persons having an interest in this matter may file petitions to intervene on October 18, 2022.
9. On October 14, 2022, Mr. Edward B. Winn, Jr. filed a petition to intervene, *pro se*, as an individual customer of the Seven Devils Wastewater Utility System. Mr. Winn is also a member of the Lake Community Property Owner's Association and serves as its Treasurer.

10. On October 17, 2022, Mr. James D. Moore, III, filed a petition to intervene, *pro se*, as an individual customer of the Seven Devils Wastewater Utility System. Mr. Moore is also a member of the Lake Community Property Owner's Association and serves as its President.
11. At the time of their interventions, both Mr. Moore and Mr. Winn, were still seeking support of the Petitioner's members, as well as other interested homeowner's associations, to file an intervention on behalf of the Petitioner at the time of the intervention deadline. Because of the deadline for interventions ordered by the Commission, Mr. Moore and Mr. Winn were not in a position to approve intervention on behalf of Petitioner.
12. Mr. Moore and Mr. Winn's individual interests in this proceeding are aligned and the same as the interest of the Petitioner. Because their interests are aligned, the substitution of Petitioner as an intervenor will not prejudice the interest of any party. CWSNC's requests could affect rates and services of not only Mr. Moore and Mr. Winn, but all the members of Lake Community Property Owner's Association.
13. As such, Petitioner and its members have a keen interest in the subject matter of these proceedings to ensure an adequate, safe, and quality supply of services at a reasonable price.
14. Furthermore, if Petitioner is allowed to intervene, then Mr. Winn and Mr. Moore's petitions to intervene may be withdrawn, as the Petitioner will represent their individual interests. This should lead to more efficient

proceeding, and no party will be prejudiced if this petition to intervene is granted.

**Wherefore**, Petitioner respectfully requests that the Commission enter an order allowing the Petitioner to intervene and fully participate in the above-captioned proceedings, as requested by Mr. Winn and Mr. Moore, including the right to discovery, the right to appear at hearing and to otherwise exercise all statutory rights provided to intervenors under North Carolina law. Additionally, Petitioner requests that the Petitions to Intervene of Mr. Moore and Mr. Winn be substituted into this present petition or deemed withdrawn upon the granting of this petition. In the alternative, if this Petition to Intervene is denied, the undersigned counsel hereby provides notice that they are entering an appearance as counsel of record in this action on behalf of Mr. James D. Moore, III and Edward B. Winn, Jr, and all notices and filings should be directed to Brady Allen's attention.

Respectfully submitted, this 26th day of October, 2022


By:  \_\_\_\_\_

Brady W. Allen  
The Allen Law Offices, PLLC  
4030 Wake Forest Rd., Suite 115  
Raleigh, NC 27604  
Telephone: (919)-838-5175  
[Brady.Allen@theallenlawoffices.com](mailto:Brady.Allen@theallenlawoffices.com)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition to Intervene of the Lake Community Property Owner's Association, Inc. has been served by electronic mail (e-mail), hand delivery, or by depositing a copy in the United States Mail, first class postage prepaid, properly addressed to parties of record.

This, the 26th day of October, 2022.

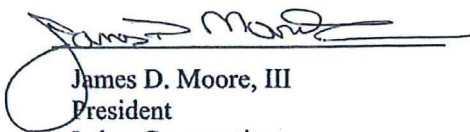


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Brady W. Allen  
The Allen Law Offices, PLLC  
4030 Wake Forest Rd., Suite 115  
Raleigh, NC 27604

NORTH CAROLINA  
CABARRUS COUNTY

VERIFICATION

The undersigned, James D. Moore, III, being first duly sworn, deposes and says that he has read the foregoing Petition to Intervene; that to his personal knowledge, the matters stated therein are true and correct, except for those matters stated upon information and belief, and as to those, he believes them to be true.



James D. Moore, III  
President  
Lakes Community  
Property Owner's Association Inc.  
205 Little Boulder Lane  
Seven Devils, North Carolina 28204

Sworn to and subscribed before me  
this 25 day of October 2022.



Notary Public  
My Commission Expires: July 27, 2025

(NOTARY SEAL)  
Stephen R Smith  
NOTARY PUBLIC  
Cabarrus County, NC  
My Commission Expires July 27, 2025