

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
Docket No: W-1297, Sub 14**

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

MRT-1, LLC,)	
)	
Complainant,)	
)	
v.)	MOTION TO CONTINUE HEARING
)	
HARKERS ISLAND SEWER COMPANY,)	
)	
Respondent.)	

NOW COMES Respondent Harkers Island Sewer Company (“HISCO”), by and through counsel, and moves the Commission for entry of an order continuing the currently scheduled remote hearing of this matter. In support, Respondent HISCO says as follows:

1. Relevant facts regarding the procedural background of this matter are described in prior Orders issued by the Commission, including the Commission’s December 18, 2020 “Order Scheduling Hearing” and its February 26, 2021 “Order Scheduling Hearing to be Held Remotely.”
2. On the evening of March 28, 2021, counsel for Respondent HISCO was informed that HISCO managing executive Mr. Mike Laws will be out-of-state during the week of April 26th, with little or no internet access.
3. On the afternoon of March 29, 2021, counsel for Respondent HISCO learned that expert witness and licensed professional engineer Bill Forman will be out the entire week preceding April 27, 2021, thereby rendering it very difficult for said engineer, HISCO principle Mike Laws and the undersigned counsel to effectively prepare for hearing.
4. Respondent HISCO, Respondent’s engineer Bill Forman and undersigned legal counsel all have experienced significant difficulties in working on this matter during the COVID19 pandemic.
5. During the past two weeks, counsel for Respondent HISCO has learned that the NCUC Public Staff intends to intervene in this matter in a manner contrary to the interests of Respondent HISCO.
6. During the past two weeks, counsel for Respondent HISCO also has engaged in renewed

settlement discussions with counsel for MRT-1. These discussions broke down due to a communications error by the undersigned, but more importantly due to the fact that counsel for both parties have been informed by counsel for the Public Staff that he will oppose the basic settlement concept being discussed by the parties (seeking NCUC approval to allow MRT-1 to construct and operate its own on-site WWTP).

7. Respondent HISCO, its engineer and the undersigned legal counsel require additional time to properly prepare for hearing. Given all of the matters identified above, Respondent HISCO and its counsel request a one month continuance of the currently scheduled April 27, 2021 hearing.

8. Upon information and belief, Complainant MRT-1, LLC does not have a bona fide development plan currently in place, and thus postponing the currently scheduled remote hearing for a period of weeks or even months will not cause any material harm to Complainant.

9. In the event that the Commission is contemplating resumption of in-person hearings, Respondent HISCO and its counsel state for the record that they prefer an in-person hearing in this matter; that Respondent HISCO's principal Mike Laws has been fully vaccinated for COVID19; and that the undersigned counsel for Respondent HISCO has been fully vaccinated for COVID19.

Respondent HISCO therefore requests that the Commission issue an order continuing the scheduled April 27, 2021 hearing through and including May 28, 2021, and that the parties be allowed at least three weeks following the filing of any documents by the Public Staff to fully respond to same.

This the 13th day of April, 2021.

Electronically submitted

/s/ I. Clark Wright, Jr., NCSB #11163

N.C. Bar No. 11163

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION TO CONTINUE HEARING on the parties of record by electronic mail addressed as follows:

Andrew D. Irby, Esq.
Roberson Haworth & Reese, PLLC
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This the 13th day of April, 2021.

Electronically submitted

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

MRT-1, LLC,)
)
Complainant,)
) **ORDER EXTENDING TIME**
v.)
)
HARKERS ISLAND SEWER COMPANY,)
)
Respondent.)

BY THE COMMISSION: On March 29, 2021, Respondent Harkers Island Sewer Company (“HISCO”), through counsel, filed a Motion seeking one week of additional time for Respondent to file testimony and exhibits, and one week of additional time thereafter for Complainant to file any rebuttal testimony and exhibits.

The Commission has reviewed the record, including HISCO’s Motion and the fact that counsel for Complainant does not oppose the Motion, and the fact that the COVID19 pandemic has imposed operational difficulties on all concerned, and now finds that good cause exists to grant the requested extension of time for Respondent to file testimony and exhibits through and including April 5, 2021, and a similar extension of time through and including April 19, 2021 for Complainant to file any rebuttal testimony and exhibits. 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 March, 2021.

_____, Deputy Clerk