



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

February 13, 2024

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket No. W-1328, Sub 11 – Application by Red Bird Utility Operating Company, LLC d/b/a Red Bird Water for a Certificate of Public Convenience and Necessity and for Approval of Rates for Pine Mountain Lakes

Dear Ms. Dunston:

Attached for filing is a motion and proposed order of the Public Staff in the above-referenced docket. Please note that the dates for mailing a copy of the order and for submission of the Certificate of Service have been left blank in ordering paragraph 2 of the proposed order.

By copy of this letter, I am forwarding a copy to all parties of record by electronic delivery.

Sincerely,

Electronically submitted
/s/ Megan Jost
Staff Attorney
megan.jost@psncuc.nc.gov

Attachment

cc: Parties of Record

Executive Director
(919) 733-2435

Accounting
(919) 733-4279

Consumer Services
(919) 733-9277

Economic Research
(919) 733-2267

Energy
(919) 733-2267

Legal
(919) 733-6110

Transportation
(919) 733-7766

Water/Telephone
(919) 733-5610

3. Following Red Bird's filing of supplemental material to address deficiencies identified by the Public Staff in its deficiency letter of November 2, 2023, the Commission determined that the Application was complete. On January 16, 2024, the Commission issued a Scheduling Order which, among other things, scheduled a public witness hearing on the Application (Scheduling Order) for Tuesday, February 20, 2024, at 7:00 p.m., in the Burke County Courthouse, 201 South Green Street, Courtroom 1, Morganton, North Carolina. The Scheduling Order provided in the Notice to Customers that the public witness hearing "may be canceled if no significant protests are received on or before Tuesday, February 13, 2024."

4. On January 22, 2024, the Commission issued an order changing the expert witness hearing date to Wednesday, April 3, 2024, at 2:00 p.m., changing the deadline for customer protests to Friday, February 9, 2024, and approving the Notice to Customers filed by Red Bird on January 19, 2024.

5. On January 25, 2024, Red Bird filed the Certificate of Service reflecting Red Bird's service of the Notice to Customers by the date specified by the Commission.

6. On February 7, 2024, Red Bird filed a Revised Notice to Customers correcting the current and proposed wastewater rates for the motel and restaurant to \$243.52, which is lower than the rate of \$312.96 contained in the original Notice to Customers. Red Bird requested that the Commission only require the revised

notice to be sent to the motel and restaurant, the only customers affected by the corrected rates.

7. As directed by the Commission, Red Bird contacted the current owners of the motel and restaurant to notify them of the correct current and proposed wastewater rates for the motel and restaurant of \$243.52 per month. On February 13, 2024, correspondence from the current owners of the motel and restaurant stating that they had received notice of the correct commercial rates and did not wish to participate in hearing was filed in the docket.

8. Presently, no customer protests have been filed in this docket, and the Public Staff is unaware of any other customer protests or comments made in connection with this matter. Further, Red Bird has represented to the Public Staff that it is not aware of any other customer protests or comments made in connection with this matter.

9. The Public Staff is authorized to represent that Red Bird does not object to canceling the public witness hearing. Furthermore, Red Bird does not object to notifying customers of same.

10. A proposed order canceling the public witness hearing and directing Red Bird to notify customers of the cancelation is attached.

WHEREFORE, the Public Staff respectfully moves and requests:

1. That the public witness hearing scheduled for Tuesday, February 20, 2024, at 7:00 p.m., in the Burke County Courthouse, 201 South Green Street, Courtroom 1, Morganton, North Carolina, be cancelled;
2. That Red Bird be directed to notify customers that the public witness hearing has been canceled and file proof of the giving of such notice; and
3. For such other and further relief as may be just and proper.

Respectfully submitted this 13th day of February, 2024.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/ Megan Jost
Staff Attorney
megan.jost@psncuc.nc.gov

430 North Salisbury Street
4326 Mail Service Center
Raleigh, North Carolina 27699-4300
Telephone: (919) 733-6110

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 13th day of February, 2024.

Electronically submitted
/s/ Megan Jost

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, Sub 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by Red Bird Utility Operating)	ORDER CANCELING PUBLIC
Company, LLC, d/b/a Red Bird Water for a)	WITNESS HEARING AND
Certificate of Public Convenience and)	REQUIRING CUSTOMER
Necessity for Pine Mountain Lakes in Burke)	NOTICE
County, North Carolina and Approval of Rates))	

BY THE COMMISSION: 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.

On January 16, 2024, issued a Scheduling Order which, among other things, scheduled a public witness hearing on the Application (Scheduling Order) for Tuesday, February 20, 2024, at 7:00 p.m., in the Burke County Courthouse, 201 South Green Street, Courtroom 1, Morganton, North Carolina. The Commission changed the deadline for customer protests to Friday, February 9, 2024, in an order issued on January 22, 2024. The public witness hearing was scheduled for the sole purpose of receiving testimony from the water and wastewater utility customers of Pine Mountain Lakes. The Pine Mountain Lakes system serves 131 customers in total, including 95 residential water customers, two commercial water and sewer customers (a motel and a restaurant), and 34

sewer customers, and is currently not regulated by the Commission. The Commission's January 22, 2024 Order states that the public witness hearing is subject to cancellation if no significant protests are received from customers by February 9, 2024.

On January 25, 2024, Red Bird filed the Certificate of Service reflecting Red Bird's service of the Notice to Customers.

On February 7, 2024, Red Bird filed a Revised Notice to Customers correcting the current and proposed wastewater rates for the motel and restaurant to \$243.52, which is lower than the rate of \$312.96 contained in the original Notice to Customers. Red Bird requested that the Commission only require the revised notice to be sent to the motel and restaurant, the only customers affected by the corrected rates.

On February 13, 2024, correspondence from the current owners of the motel and restaurant stating that they had received notice of the correct commercial rates and did not wish to participate in hearing was filed in this docket.

Also on February 13, 2024, the Public Staff filed a motion requesting that the public witness hearing scheduled for Tuesday, February 20, 2024, be canceled. In support of its motion, the Public Staff states that no customer protests have been filed in this docket and that neither the Public Staff nor Red Bird is aware of any other customer protests or comments made in connection with this

proceeding. The Public Staff represents in its motion that Red Bird does not object to canceling the public witness hearing.

Based upon the foregoing, the Commission finds that the public witness hearing should be cancelled and that notice to customers of the cancellation should be required.

IT IS, THEREFORE, ORDERED as follows:

1. That the public witness hearing previously scheduled for Tuesday, February 20, 2024, at 7:00 p.m., in the Burke County Courthouse, 201 South Green Street, Courtroom 1, Morganton, North Carolina, is hereby canceled;

2. That a copy of this Order should be mailed with sufficient postage or hand delivered by Red Bird to all affected customers no later than _____, 2024, and that Red Bird shall submit to the Commission the attached Certificate of Service, properly signed and notarized, no later than _____, 2024.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

CERTIFICATE OF SERVICE

I, _____, mailed with sufficient postage or hand delivered to all affected customers a copy of the Order issued by the North Carolina Utilities Commission in Docket No. W-1328, Sub 11, and such Order was mailed or hand delivered by the date specified in the Order.

This the _____ day of _____ 2024.

By:

Signature

Name of Utility Company

The above named Applicant, _____, personally appeared before me this day and, being first duly sworn, says that the required copy of the Commission Order was mailed or hand delivered to all affected customers, as required by the Commission Order dated _____ in Docket No. W-1328, Sub 11.

Witness my hand and notarial seal, this the _____ day of _____ 2024.

Notary Public

Address

(SEAL) My Commission Expires:

Date