

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1297, SUB 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
MRT-1, LLC,)	
	Complainant)	
)	ORDER SCHEDULING EXPERT
	v.)	WITNESS HEARING
)	
Harkers Island Sewer Company,)	
	Respondent)	

BY THE PRESIDING COMMISSIONER: This proceeding was instituted by the filing of a complaint with the Commission on May 2, 2019, by Pinnacle Bank, as successor by merger with Bank of North Carolina, against Harkers Island Sewer Company (Respondent or HISC). Pursuant to the Commission’s Order of October 22, 2020, MRT-1, LLC (Complainant), was substituted as the party-complainant.

On April 16, 2021, the Public Staff filed a Notice of Intervention¹, Mediation, and Request for Continuance in Complaint Proceeding. In its filing, the Public Staff informed the Commission that it would investigate this complaint and make recommendations to the Commission should the matter proceed to a contested evidentiary hearing subsequent to mediation.

After mediation and settlement negotiations, which had led to the docket being held in abeyance at the request of the Public Staff, were not successful, the Commission ultimately issued an order scheduling the matter for evidentiary hearing on Tuesday, December 14, 2021.

On December 7, 2021, Respondent filed a motion to continue the hearing from December 14, 2021. On December 8, 2021, the Commission issued an order granting the motion and continued the hearing.

On December 9, 2021, the Public Staff filed modified recommendations based on newly discovered information contained in a 2013 Stipulation between Respondent and the Public Staff filed in Docket No. W-1297, Sub 0.

¹ The Public Staff’s intervention is recognized and accepted under N.C.G.S. § 62-15(d)(3) and (6). Its duty to investigate and make a recommendation in this matter is authorized and accepted by the Commission pursuant to N.C.G.S. § 62-15(7).

On April 1, 2022, Complainant filed a Motion for Status Conference and to Schedule Hearing.

Based on the foregoing and the record in this matter, the Presiding Commissioner finds good cause to schedule this matter for hearing and require the filing of cross-examination exhibits as ordered below.

IT IS, THEREFORE, ORDERED as follows:

1. That an expert witness hearing shall be held on Wednesday, August 17, 2022, at 10:00 a.m. in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina for the purpose of receiving expert witness testimony from the parties regarding the complaint filed in this proceeding and will continue as required for testimony and cross-examination of expert witnesses for the parties;

2. That the Respondent shall consult with all other parties and file, no later than Wednesday, August 10, 2022, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties disagree with Respondent's filing, the remaining parties shall, no later than Friday, August 12, 2022, make a filing indicating their points of disagreement;

3. That on or before Friday, August 12, 2022, each party shall file a list of potential cross-examination exhibits and provide copies of the exhibits, labeled with the party's name and numbered sequentially, to the other parties and to the Commission. The exhibits should be provided to the Commission via email at ncucexhibits@ncuc.net; and

4. That this Order shall be served on the parties by e-mail, delivery confirmation requested.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of June, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Joann R. Snyder, Deputy Clerk