

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. W-1146, SUB 13  
DOCKET NO. W-1328, SUB 10

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application by Red Bird Utility Operating	)	
Company, LLC, 1650 Des Peres Road,	)	RED BIRD'S OBJECTIONS
Total Environmental Solutions, Inc., Post	)	AND RESPONSES TO PUBLIC STAFF'S
Office Box 14056, Baton Rouge, Louisiana	)	13 <sup>TH</sup> SET OF DATA REQUESTS
70898, for Authority to Transfer the Lake	)	
Royale Subdivision Water and Wastewater	)	
Utility Systems and Public Utility Franchise	)	
in Franklin and Nash Counties, North Carolina,	)	
and for Approval of Rates	)	

NOW COMES Red Bird Utility Operating Company, LLC ("Red Bird"), pursuant to the Order Scheduling Hearings, Establish Discovery Guidelines, And Requiring Notice issued July 11, 2023 in these dockets ("Scheduling Order"), and objects to certain items included in Public Staff's 13<sup>th</sup> set of data requests in these dockets, on the grounds set forth below.

Request 1: Scienswater

- a. Please describe any and all past or present legal, financial, or operating relationships, affiliation, or similar arrangement between US Water Systems, LLC; CSWR, LLC; and/or Scienswater (or any of the entities listed as part of Scienswater's portfolio on Scienswater's website,<sup>1</sup> including, but not limited to, Integrated Water Services, Inc.; CROM, LLC; Sciens Water Finance Corporation; and/or Sciens Water Digital Holdings (collectively, the Scienswater Portfolio entities)).
- b. Please describe any and all anticipated future involvement, affiliation, relationship, or similar arrangement between the entities listed in 1.a.

**Objections and Response: Red Bird objects to this Request on the basis that it seeks information that is overbroad, unduly burdensome, and neither relevant to any issues that are or may be involved in these dockets, nor reasonably calculated to lead to the discovery**

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<sup>1</sup> <https://scienswater.com/our-portfolio/>

of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite, and calls for speculation.

Subject to those objections and without waiving same, Red Bird responds as follows:

- a. US Water Systems, LLC, is the sole owner/member of CSWR, LLC, and as such provides equity capital to CSWR, LLC, which it uses to make equity investments in its affiliated utility operating companies, including Red Bird. CSWR, LLC has no legal, financial, or operating relationships or affiliations with Sciens Water or any of the other entities listed on Sciens Water's website.
- b. Other than its current relationship and involvement with US Water, LLC, CSWR, LLC has no information regarding any planned future legal, financial, or operational involvement, affiliation, or relationship with Sciens Water or any of the other entities listed on Sciens Water's website.

Request 2: Midwest Water Operations, LLC

- a. Please describe any and all past or present legal, financial, or operating relationships, affiliation, or similar arrangement between US Water Systems, LLC; CSWR, LLC; Scienswater; and/or Midwest Water Operations, LLC.
- b. Please describe any and all anticipated future involvement, affiliation, relationship, or similar arrangement between any of the entities listed in 2.a.

**Objections and Response:** Red Bird objects to this Request on the basis that it seeks information that is overbroad, unduly burdensome, and neither relevant to any issues that are or may be involved in these dockets, nor reasonably calculated to lead to the discovery of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite, and calls for speculation.

Subject to those objections and without waiving same, Red Bird responds as follows:

- a. CSWR, LLC's past and current relationships with Midwest Water Operations, LLC, have been solely of a vendor/customer nature. CSWR, LLC has no information regarding past or present legal, financial, or operating relationships, if any, between Midwest Water Operations, LLC, and either US Water Systems, LLC or Sciens Water.
- b. CSWR, LLC anticipates any future relationships it may have with Midwest Water Operations LLC would be of a similar vendor/customer nature. CSWR, LLC has no information regarding possible future relationships between Midwest Water Operations, LLC and either US Water, LLC or Sciens Water.

Request 3: ClearWater Solutions, LLC

- a. Please describe any and all past or present legal, financial, or operating relationships, affiliation, or similar arrangement between US Water Systems, LLC; CSWR, LLC; Scienswater; and/or ClearWater Solutions, LLC.
- b. Please describe any anticipated future involvement, affiliation, relationship, or similar arrangement between any of the entities listed in 3.a.

**Objections and Response:** Red Bird objects to this Request on the basis it seeks information that is overbroad, unduly burdensome, and neither relevant to any issues that are or may be involved in this Docket, nor reasonably calculated to lead to the discovery of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite, and calls for speculation.

**Subject to those objections and without waiving same, Red Bird responds as follows:**

- a. CSWR, LLC's past and current relationships with Clearwater Solutions, LLC have been solely of a vendor/customer nature. CSWR, LLC has no information regarding past or present legal, financial, or operating relationships, if any, between Clearwater Solutions, LLC, and either US Water Systems, LLC, or Sciens Water.
- b. CSWR, LLC anticipates any future relationships it may have with Clearwater Solutions, LLC would be of a similar vendor/customer nature. CSWR, LLC has no information regarding possible future relationships between Clearwater Solutions, LLC and either US Water, LLC, or Sciens Water.

Request 4: Goods and Services between Affiliates

- a. Are any of the entities listed in response to questions 2 and 3 above providing goods or services to North Carolina CSWR, LLC; Red Bird Utility Holding Company, LLC; and/or Red Bird Utility Operating Company, LLC?
- b. If the answer to 4.a. is "yes," please describe, in detail, the nature of those goods and services.
- c. Please provide copies of any contracts, agreements, or similar documents related to the goods and services discussed in the response to 4.b.

**Objection and Response:** Red Bird objects to this Request on the basis that it seeks information that is overbroad, unduly burdensome, and neither relevant to any issues that are or may be involved in these dockets, nor reasonably calculated to lead to the discovery of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite.

**Subject to those objections and without waiving same, Red Bird responds as follows:**

- a. Clearwater Solutions, LLC, as successor in interest to Midwest Water Operations, LLC, currently provides operations and maintenance service on a contract basis to

**Red Bird Utility Operating Company, LLC. Neither Clearwater Solutions, LLC nor Midwest Water Operations provides any services to North Carolina CSWR, LLC or Red Bird Utility Holding Company, LLC.**

- b. See response to DR 13.4(a) above.**
- c. A copy of the contract between Clearwater Solutions, LLC, and Red Bird Utility Operating Company, LLC, will be provided to Public Staff when his response is served.**

**Request 5: Goods and Services between Other Entities of Interest**

- a. Scienswater**
  - i. Do Scienswater or any of the Scienswater Portfolio entities provide goods or services to North Carolina CSWR, LLC; Red Bird Utility Holding Company, LLC; and/or Red Bird Utility Operating Company, LLC, directly or indirectly?**
  - ii. If the answer to 5.a.i. is “yes,” please describe, in detail, the nature of those goods and services.**
  - iii. Please provide copies of any contracts, agreements, or similar documents related to the goods and services discussed in the response to 5.a.ii.**

**Objections and Response: Red Bird objects to this Request on the basis that it seeks information that is overbroad, unduly burdensome, and neither relevant to any issues that are or may be involved in these dockets, nor reasonably calculated to lead to the discovery of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite.**

**Subject to those objections and without waiving same, Red Bird responds as follows:**

- i. No.**
- ii. See response to DR 13.5(a)(i).**
- iii. See response to DR 13.5(a)(i).**

**Request 6: Please provide copies of all discovery responses provided in File No. WR-2023-0006 (In the Matter of Confluence Rivers Utility Operating Company, Inc.’s Request for Authority to Implement a General Rate Increase for Water Service and Sewer Service Provided in Missouri Service Areas) by any Affiliate of Red Bird listed on the CSWR/Central States Water Resources Corporate Entity Organizational Chart provided with this data request.**

**Objections: Red Bird objects to this Request on the basis that the requested production of “all discovery responses” provided “by any Affiliate or Red Bird” in connection with a Missouri rate case is overbroad, unduly burdensome, and seeks documents that are neither relevant to any issues that are or may be involved in these dockets, and that this request is not reasonably calculated to lead to the discovery of admissible evidence. Red Bird also objects to the Request on the basis that it is vague, ambiguous, and indefinite.**

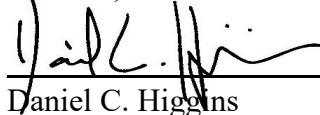
Red Bird also objects to this request on the grounds that under North Carolina Session Law 2023-67, entitled “An Act to Expedite Transfer of Water or Wastewater Public Utilities,” the issues presented in these dockets, which concern the proposed transfer of TESI’s utility assets and franchise to Red Bird, are limited to the following:

[Whether] the proposed grant or transfer, including adoption of existing or proposed rates for the transferring utility, is in the public interest, will not adversely affect service to the public under any existing franchise, and the person acquiring said franchise or certificate of public convenience and necessity has the technical, managerial, and financial capabilities necessary to provide public utility service to the public.

The request for production of discovery responses provided by a Red Bird affiliate in connection with a rate case before the Missouri Public Service Commission seeks materials that are neither relevant to any issues involved in these dockets, nor is the request reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted, this the 30<sup>th</sup> day of August, 2023.

BURNS, DAY & PRESNELL, P.A.



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Attorneys for Red Bird

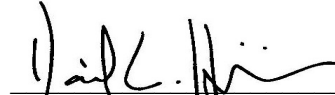
**CERTIFICATE OF SERVICE**

I certify that I have served a true and exact copy of the foregoing document on all parties to these dockets in accordance with Commission Rule R1-39, by United States mail, first class postage prepaid; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 30<sup>th</sup> day of August, 2023.

BURNS, DAY & PRESNELL, P.A.

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



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