

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

Docket No.: W-1297, Sub 14

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

**PINNACLE BANK, as successor by merger
with BANK OF NORTH CAROLINA,**

Complainant,

v.

HARKERS ISLAND SEWER COMPANY,

Respondent.

MOTION FOR EXTENSION OF TIME

NOW COMES Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), by and through the undersigned counsel, and moves that the Commission grant it an extension of time to reply to the Answer of Respondent as directed via Order Serving Corrected Answers and Responses entered June 18, 2019 for a period of thirty (30) days through and including July 31, 2019. In support of this Motion, Pinnacle states the following:

1. Complainant initially filed its Complaint on May 2, 2019.
2. On May 10, 2019, the Commission issued its "Order Serving Complaint" directing Respondent HISCO to file an answer or other response on or before May 24, 2019.
3. On May 24, 2019, counsel for Respondent requested an extension of time through and including June 4, 2019. Complainant's counsel did not oppose the request for an extension of time, contingent upon it being for no longer than approximately 10 days.

4. By order entered May 30, 2019, the Commission granted the requested extension through and including June 4, 2019.

5. On June 3, 2019, counsel for Respondent requested a second extension of time through and including June 14, 2019.

6. On June 5, 2019, the Commission granted the requested extension through and including June 14, 2019.

7. On June 18, 2019, the Commission entered the Order Serving Corrected Answers and Responses, and directed Complainant to respond on or before July 1.

8. The Corrected Answers and Responses did not detail the options available to provide wastewater sewer services to Complainant or Complainant's successors and assigns.

9. Counsel for Complainant and Counsel for Respondent need additional time to exchange information relevant to the issues raised in the Complaint, and Complainant needs more time to review any such newly exchanged information once provided by Respondent.

10. Complainant does not yet know whether a hearing on the matters raised in the Complaint will be requested, but would like to provide the parties with a reasonable opportunity to exchange information and engage in further discussions before requesting such a hearing.

11. Complainant hereby submits to the Commission a request for a thirty (30) day extension of time to submit a reply to the Answer of Respondent up to and including July 31, 2019.

12. Counsel for Complainant has conferred with Counsel for Respondent, and Counsel for Respondent has consented to the request for an extension as outlined herein.

13. This Motion is timely filed on or before the Commission's prior Order seeking a response on or before July 1, 2019.

WHEREFORE, the undersigned counsel for Complainant Pinnacle respectfully requests that the Commission issue an Order Granting Extension of Time through and including July 31, 2019 to submit a response to the Answer of Respondent.

A Proposed order is attached for the convenience of the Commission.

This the 27th day of June, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

ROBERSON HAWORTH & REESE, PLLC
300 N. Main Street; Suite 300
P.O. Box 1550
High Point, NC 27261
Telephone: 336-889-8733
Facsimile: 336-885-1280
Email: apowell@rhrlaw.com
airby@rhrlaw.com

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S ANSWER TO COMPLAINT on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.
DAVIS HARTMAN WRIGHT, PLLC
209 Pollock Street
New Bern, NC 28560
Email: icw@dhwlegal.com
Attorney for Respondent HISCO

This the 27th day of June, 2019.

Electronically submitted

/s/ Alan B. Powell, NCSB # 17555

/s/ Andrew D. Irby, NCSB # 35353

Attorneys for Pinnacle Bank

OF COUNSEL:

ROBERSON HAWORTH & REESE, PLLC
300 N. Main Street; Suite 300
P.O. Box 1550
High Point, NC 27261
Telephone: 336-889-8733
Facsimile: 336-885-1280
Email: apowell@rhrlaw.com
airby@rhrlaw.com

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**ORDER GRANTING MOTION FOR
EXTENSION OF TIME**

BY THE COMMISSION: On June 27, 2019, Complainant Pinnacle Bank, as successor by merger with BANK OF NORTH CAROLINA, ("Pinnacle"), through counsel, filed a Motion for Extension of Time to File Response to the Answer to Complaint in the above-captioned proceeding for the purposes of allowing the parties additional time to exchange information that may be relevant to the issues raised in the above-captioned matter. Complainant further informs the Commission that counsel for Respondent consents to the Motion for an extension of time to file a response to the Answer to Complaint.

The Commission has reviewed the record, including the Complainant's Motion, and finds that good cause exists to grant the extension of time from July 1, 2019 to July 31, 2019 for Complainant to file a response to the Answer to Complaint. 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 June, 2019.

_____, Deputy Clerk