

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1259, SUB 5
DOCKET NO. W-1328, SUB 6

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Meadowlands Development, LLC,)	
and Red Bird Utility Operating Company, LLC,)	MOTION FOR ORDER
d/b/a Red Bird Water for Transfer of Public)	CANCELING PUBLIC
Utility Franchise in Meadowlands Subdivision in)	WITNESS HEARING
Davidson County, North Carolina, and for)	
Approval of Rates)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and hereby respectfully moves the North Carolina Utilities Commission (Commission) to issue an order canceling the public witness hearing previously scheduled in this docket. In support of this motion, the Public Staff shows as follows:

1. On October 9, 2020, as amended October 21, 2020, Meadowlands Development, LLC (Meadowlands), and Red Bird Utility Operating Company, LLC, d/b/a Red Bird Water (Red Bird) filed with the Commission a joint Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility system and public utility franchise serving the Meadowlands subdivision in Davidson County, North Carolina, from Meadowlands to Red Bird, and approval of rates.

2. Meadowlands currently serves 558 residential flat-rate sewer customers.

3. Red Bird filed with the Commission supplemental materials on July 12 and August 2, 2021; December 7, 2022; and August 7, August 17, and December 15, 2023.

4. On December 29, 2023, the Public Staff filed a letter with the Commission indicating that the docket included all the information required for a complete Application as of December 15, 2023.

5. On January 2, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On January 9, 2024, the Public Staff provided the information requested by the Commission.

6. On January 22, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order), which, among other things, scheduled a public witness hearing on the Application for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse, 110 West Center Street, Courtroom 6, Lexington, North Carolina. The Scheduling Order and the subsequent Notice to Customers provided that the public witness hearing may be cancelled by the Commission “if no significant protests are received on or before Friday, February 16, 2024.”

7. On February 7, 2024, Red Bird filed a Certificate of Service reflecting Red Bird’s service of the Notice to Customers by the date specified by the Commission.

8. Two consumer statements have been filed in connection with this matter. They both expressed concerns about the amount of time allowed for customer input, the recovery of certain costs, and potential future rates.

9. As of the filing of this motion, the Public Staff is unaware of any other customer protests or comments made in connection with this matter. Further, the Applicant has represented to the Public Staff that it is not aware of any other customer protests or comments made in connection with this matter.

10. The Public Staff has reviewed the consumer statements of position. The Public Staff believes neither the quantity nor content of the filed consumer statements of position constitute the “significant protests” necessary to avoid the cancellation provision set forth in the Scheduling Order. Regarding the issues set forth in the consumer statements of position, they are well explained and can be considered on the merits by the Commission.

8. The Public Staff is authorized to represent that Red Bird does not object to canceling the public witness hearing.

9. A proposed order canceling the public witness hearing is attached.

WHEREFORE, the Public Staff respectfully requests:

1. That the public witness hearing scheduled for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse, be cancelled; and

2. For such other and further relief as may be just and proper.

Respectfully submitted this 19th day of February, 2024.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Lucy E. Edmondson
Chief Counsel

Electronically submitted
/s/ Megan Jost
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/s/ James Bernier, Jr.
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In the Matter of
Application of Meadowlands Development, LLC,)
and Red Bird Utility Operating Company, LLC,)
d/b/a Red Bird Water for Transfer of Public) ORDER CANCELING
Utility Franchise in Meadowlands Subdivision in) PUBLIC WITNESS HEARING
Davidson County, North Carolina, and for)
Approval of Rates)

BY THE COMMISSION: On October 9, 2020, as amended October 21, 2020, Meadowlands Development, LLC (Meadowlands), and Red Bird Utility Operating Company, LLC, d/b/a Red Bird Water (Red Bird) filed with the North Carolina Utilities Commission (Commission) a joint Application for Transfer of Public Utility Franchise and for Approval of Rates (Application) seeking authority to transfer the wastewater utility systems and public utility franchise serving Meadowlands subdivision in Davidson County, North Carolina, from Meadowlands to Red Bird, and approval of rates. Meadowlands currently serves 558 residential flat-rate sewer customers.

Red Bird filed with the Commission supplemental materials on July 12 and August 2, 2021; December 7, 2022; and August 7, August 17, and December 15, 2023. On December 29, 2023, the Public Staff filed a letter with the Commission indicating that this docket included all the information required for a complete Application as of December 15, 2023. On January 2, 2024, the Commission issued

an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On January 9, 2024, the Public Staff provided information requested by the Commission.

On January 22, 2024, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Customer Notice (Scheduling Order) which, among other things, scheduled a public witness hearing on the Application for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse, 110 West Center Street, Courtroom 6, Lexington, North Carolina. The public witness hearing was scheduled for the sole purpose of receiving testimony from Meadowlands' customers. The Scheduling Order and the subsequent Notice to Customers provided that the public witness hearing may be cancelled by the Commission "if no significant protests are received on or before Friday, February 16, 2024."

On February 7, 2024, Red Bird filed a Certificate of Service reflecting Red Bird's service of the Notice to Customers by the date specified by the Commission.

On February 19, 2024, the Public Staff filed a motion requesting that the public witness hearing scheduled for Monday, February 26, 2024, be canceled. In support of its motion, the Public Staff states two consumer statements have been filed in connection with this matter. The statements identified concerns about the amount of time allowed for customer input, the recovery of certain costs, and potential future rates. Neither the Public Staff nor Red Bird is aware of any

additional customer protests or comments made in connection with this proceeding.

The Public Staff represents that it has reviewed the filed consumer statements of position and believes neither the quantity nor content of the filed consumer statements of position constitute the “significant protests” necessary to avoid the cancellation provision set forth in the Scheduling Order. Regarding the issues set forth in the consumer statements of position, the Public Staff states that they are well explained and can be considered on the merits by the Commission. The Public Staff also represents in its motion that Red Bird does not object to canceling the public witness hearing.

Based upon the foregoing, and the entire record, the Commission finds good cause to cancel the public witness hearing scheduled for Monday, February 26, 2024, at 7:00 p.m., in the Davidson County Courthouse.

IT IS, THEREFORE, SO ORDERED.

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 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 19th day of February, 2024.

Electronically submitted
/s/ Megan Jost