

**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 CONTINUING HEARING,
)	SUSPENDING PROCEDURAL
v.)	DEADLINES, AND REQUESTING
)	STATUS REPORT
Harkers Island Sewer Company,)	
Respondent)	

BY THE PRESIDING COMMISSIONER: This is a complaint proceeding between MRT-1, LLC (Complainant) and Harkers Island Sewer Company (Respondent). Pursuant to the Commission's Order Scheduling Hearing, Establishing Procedural Schedule, and Adopting Discovery Guidelines, issued on December 18, 2021, the direct testimony and exhibits of Respondent were required to be filed on or before March 29, 2021 and the rebuttal testimony and exhibits of Complainant were required to be filed by April 12, 2021. The matter was set for hearing on April 27, 2021.

On March 30, 2021, the Commission issued an Order extending the time for Respondent to file direct testimony and exhibits as requested by Respondent. The Order required the Respondent to serve its direct testimony and exhibits on the Complainant by April 2, 2021, and extended the time for Complainant to file rebuttal testimony and exhibits to April 16, 2021. Respondent filed its direct testimony and exhibits on Monday, April 5, 2021.¹

On April 9, 2021, the Commission issued an Order, which among other things, extended Complainant's time for filing rebuttal testimony and exhibits to April 20, 2021.

On April 13, 2021, Respondent filed a Motion and Corrected Motion to Continue Hearing from the scheduled hearing date of April 27, 2021.

Between April 13 and 14, 2021, the parties made various filings and ultimately informed the Commission of their agreement to attempt to resolve this matter through mediated settlement conference. The Complainant does not oppose the Respondent's motion for a continuance and has requested an extension of time for filing rebuttal

¹ Respondent did not serve the Complainant as required by the Commission and that failure is the subject of a pending motion for sanctions.

testimony and cross-examination exhibits for a time period not to exceed seven days following the completion of such mediation.

On April 16, 2021, the Public Staff filed a Notice of Intervention², Mediation, and Request for Continuance in Complaint Proceeding. In its filing, the Public Staff informed the Commission that it will investigate this complaint and make recommendations to the Commission provided the parties do not reach resolution of all disputes prior to hearing. The Public Staff agreed to file its recommendations prior to hearing and to fully participate in any evidentiary hearing. Public Staff Attorney William Grantmyre notified the Commission that counsel for each of the parties have agreed to participate in mediation and to accept Attorney Grantmyre as the mediator for their settlement conference. Finally, the Public Staff joined the parties in requesting a continuance of the scheduled April 27 Hearing.

Based on the record, notice of the Public Staff's participation, and the parties' agreement to engage in a mediated settlement conference, the Presiding Commissioner finds good cause to suspend the current procedural schedule and to continue the hearing scheduled for April 27. No later than 45 days of the date of this Order, the Public Staff, jointly with the Complainant and the Respondent, shall file a status report informing the Commission of dates the parties came together to engage in mediated settlement discussions, the end result of those discussions to date, and provide an assessment of the likelihood the matter will proceed to hearing. The Commission will issue an order setting forth a procedural schedule and a new hearing date in the future as may be required.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 19th day of April, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Kimberley A. Campbell". The signature is written in a cursive, flowing style.

Kimberley A. Campbell, Chief Clerk

² 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).