

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. 1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Red Bird Utility Operating	)
Company, LLC d/b/a Red Bird Water, for a	)
Certificate of Public Convenience and	)
Necessity to Provide Water and Wastewater	)
Utility Service to the Pine Mountain Lakes	)
Subdivision in Burke County, North Carolina,	)
and for Approval of Rates	)
	SECOND ORDER DETERMINING APPLICATION INCOMPLETE

BY THE PRESIDING COMMISSIONER: On June 30, 2023, North Carolina Session Law 2023-67, entitled "An Act to Expedite Transfer of Water or Wastewater Public Utilities" (the Act), was signed into law by Governor Roy Cooper, having been previously ratified by the North Carolina General Assembly. The Act provides timelines for the Commission's consideration of applications for grants or transfers of certificates of public convenience and necessity (CPCN) for certain water and wastewater systems.

Section 1.(b) of the Act applies to applications for grant or transfer of CPCNs for water and wastewater systems currently pending before the Commission as of June 30, 2023. Among other things, this section requires the Commission to provide notice by July 31, 2023, whether any pending application is complete.

On June 30, 2023, the Commission issued an Order Requiring Report of the Public Staff and Initiating Rulemaking Proceeding which, in part, directed the Public Staff to file on or before July 25, 2023, whether each application identified by the Public Staff as subject to the provisions of Section 1.(b) of the Act is complete and identifying any deficiency in any identified application that is not complete.

On July 25, 2023, the Public Staff filed a letter outlining the deficiencies in the Application and recommending that the Commission find the Application incomplete.

On July 31, 2023, the Commission issued an Order Finding Application Incomplete and Request for Additional Information. which, in part, directed the applicant to file information sufficient to address the deficiencies noted in the Public Staff's letter of July 25, 2023.

On October 19, 2023, the applicant filed additional information.

On November 2, 2023, the Public Staff filed a letter outlining the remaining deficiencies in the application and recommending that the Commission find the application incomplete.

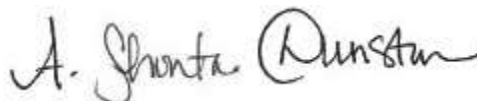
Based on the foregoing, and review of the application and the subsequent filings in the docket by the Public Staff and the applicant, the Presiding Commissioner finds that the application is incomplete. The applicant shall file information sufficient to address the deficiencies noted in the Public Staff's letter of November 2, 2023. No later than 10 business days after the additional information is filed, the Public Staff shall file with the Commission and serve upon the applicant a notice stating that the application is considered complete with the additional information, or a notice stating that the application is incomplete with the deficiencies identified.

IT IS, THEREFORE, ORDERED as follows:

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of November, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk