

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1305, Sub 35
DOCKET NO. W-1300, Sub 77

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
WLI Investments, LLC, 60)	
Gregory Road, Suite 1, Belville,)	
NC 28451,)	
Complainant,)	
)	
v.)	
)	
Old North State Water Company,)	
Inc.)	
and Pluris Hampstead, LLC,)	
Respondents.)	
		WLI INVESTMENTS RESPONSE TO OLD NORTH STATE WATER COMPANY, INC.'s DATA REQUEST NO. 1

Please provide all responses to this discovery request in searchable native electronic format (e.g., Excel or Word files). If the responsive document is in Excel format, please include all working formulas. If the responsive document is in PDF format, please provide it in OCR searchable form.

In addition, please include the name, occupation, and job title of each individual who is providing each response.

Please provide all responses to the attorneys indicated below by **September 2, 2022**. Please provide responsive information as it becomes available rather than waiting to send all responses at once.

1. Please provide copies of all emails, correspondence, and records (both electronic and hard copy) which were sent or received by WLI Investments, LLC, or its officers, managers, owners, employees, consultants, and agents (collectively "WLI"), which are related to installation or use of grinder pumps or a low pressure collection system for the Lea Tract Extended Service Area. WLI Objects to this question on the basis that emails, correspondence, and records within the scope of this request are attorney-client communications and, thus, privileged. Without waiving this objection, WLI Investments responds by providing the attached emails, correspondence, and records not privileged.

Response Provided By Mary Catherine Santos, WLI Investments, Pre-Construction and Development Manager

2. Please provide a copy of all writings made pursuant to Section 17.11 of the December 13, 2018, Agreement between WLI and Old North State Water Company (the Agreement attached as Exhibit A to WLI's Complaint in this docket).

Please see attached Amendment 1.

Response by Mary Catherine Santos, WLI Investments, Pre-Construction and Development Manager

3. Please identify all numbered sections of the December 13, 2018, Agreement between WLI and Old North State Water Company that apply specifically to the Lea Tract Extended Service area.

WLI Investments objects to the form of this question as vague, ambiguous and requiring a legal conclusion. Without waiving this objection, WLI Investments responds as follows: Recitals or "whereas" clauses, Sections 1, 2, 4, and 5.

Response by D Logan, Manager, WLI Investments, LLC

4. Please identify any wording or provision in the December 13, 2018, Agreement between WLI and Old North State Water Company that in WLI's opinion requires or affirmatively provides for installation of grinder pumps or a low pressure collection system in the Lea Tract Extended Service Area.

WLI Investments objects to the form of this question as compound, vague, ambiguous, and requiring a legal conclusion. Without waiving this objection, WLI Investments responds as follows:

Section 4.3 requires the Developer to "provide a On-Site Wastewater Service Line to each house within the Subdivision." "Subdivision" is defined at Section 1.24 to have the same meaning in the first "whereas" clause, "a residential subdivision comprised of approximately 338 single-family residences to be known as the Salters Haven at Lea Marina."

Section 5.2 requires the Developer to install and "pay for installation of costs of all necessary components of the ESA Wastewater Collection System to provide wastewater utility service."

Section 5.3 requires the Developer to provide a ESA Wastewater Service Line to each house within the ESA. "Wastewater Service Line" is defined in Section 1.34 to mean the portion of individual household wastewater line for which ONSWC shall assume ownership and maintenance responsibilities. The Service Line shall include only that portion of the wastewater line that extends from the wastewater clean-out or Grinder Pump Valve Box to ONSWC's wastewater main located at or near the street. The portion of the line extending from the home or commercial

building to the wastewater clean-out or Grinder Pump Station or Grinder Pump Valve Box shall not be included in the term "Service Line."

Response by D Logan, Manager, WLI Investments, LLC

5. Please provide a copy of any engineering drawings or specifications created by or on behalf of WLI or any other person or entity for a low pressure collection system for use in the Lea Tract Extended Service Area.

Please see the attached file folder "Engineer Drawings and Plans" included with the files attached to this response.

Response by: Tim Clinkscales, Paramounte Engineering, contract engineer for WLI Investments

6. Please provide a copy of any engineering drawings or specifications created by or on behalf of WLI or any person or entity for a non-low pressure collection system for use in any of WLI's existing and planned developments.

WLI Investments objects to this question on the basis that the information sought is not relevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence, and as being overly broad and unduly burdensome. Engineering drawings or specifications of use in any of WLI's existing and planned developments is not relevant to the issues in this proceeding, because the issues in this proceeding are related to one development: the Salters Haven at Lea Marina Subdivision. There is no evidence within the scope of this request that has any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. In addition, this question is overly broad because it is not limited in time, place, or subject matter, and is unduly burdensome because the unlimited nature of the question would require extensive and extraordinary efforts to produce evidence that is not relevant to the issues in this proceeding. WLI Investments has been engaged in the real estate development business for over 30 years, and has developed numerous subdivisions with non-low-pressure collection systems during that time each requiring the creation of engineering drawings. Documents within the scope of this request are in the possession of third-parties and unavailable to WLI Investments without extensive and extraordinary efforts.

7. Please provide a list of all witnesses that WLI intends to call at the hearing in this matter.

D Logan

Michael Myers

Please email responses to

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Attorney for Pluris Hampstead, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Data Request No. 1, has been served on all parties and counsel of record in these dockets by either depositing same in a depository of the United States Postal Service, first-class postage prepaid and mailed by the means specified below, or by electronic delivery.

This the 24th day of August, 2022.

FOX ROTHSCHILD LLP

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