

**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

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| In the Matter of |) | |
| Application of Meadowlands |) | ORDER EXCUSING WITNESSES, |
| Development, LLC and Red Bird Utility |) | ACCEPTING TESTIMONY, |
| Operating Company, LLC, d/b/a Red |) | CANCELING EXPERT WITNESS |
| Bird Water for Transfer of Public Utility |) | HEARING, AND REQUIRING |
| Franchise in Meadowlands Subdivision |) | PROPOSED ORDERS |
| in Davidson County, North Carolina, |) | |
| and for Approval of Rates |) | |

BY THE PRESIDING COMMISSIONER: 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 systems and public utility franchise serving the 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.

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 an expert witness hearing to begin at 2:00 p.m. on Monday, April 8, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

On March 1, 2024, Red Bird and the Public Staff (Movants) notified the Commission that they had agreed in principle to a settlement and filed a joint motion requesting leave to file a stipulation and settlement agreement and settlement testimony and exhibits in lieu of the Public Staff filing direct testimony and exhibits and in lieu of Red Bird filing rebuttal testimony and exhibits (Joint Motion to Extend Time).

On March 4, 2024, the Commission granted the Joint Motion to Extend Time allowing the Movants until March 12, 2024, to file a Settlement Agreement and Stipulation with supporting testimony.

On March 12, 2024, Red Bird and the Public Staff (Stipulating Parties) filed a Settlement Agreement and Stipulation (Stipulation). Also on March 12, 2024, Red Bird filed Supplemental Application Attachment G and the Settlement Testimony of Josiah

Cox, and the Public Staff filed the Joint Settlement Testimony and Exhibits of Charles A. Akpom, Shashi M. Bhatta and John R. Hinton.

On March 20, 2024, the Stipulating Parties filed a Joint Motion to Excuse Witnesses from Appearance at Hearing (Joint Motion to Excuse Witnesses) requesting that Red Bird witness Cox and Public Staff witnesses Akpom, Bhatta, and Hinton be excused from attending the expert witness hearing in this docket, that all of their prefiled testimony be entered into the record as if given orally from the stand, and that all of their exhibits be admitted into evidence. Additionally, Red Bird moves that the Application filed in this docket, along with the supplemental materials filed on October 21, 2020, July 12, 2021, August 2, 2021, December 7, 2022, August 7, 2023, August 17, 2023, December 15, 2023, and March 12, 2024, be admitted into evidence. Further, the Stipulating Parties move that the Stipulation be admitted into evidence.

In support of the Joint Motion to Excuse Witnesses, the Stipulating Parties state: (1) that the Stipulation resolves all contested issues in this matter; (2) that the Stipulating Parties agree that all prefiled testimony and exhibits of the Stipulating Parties may be received in evidence without objection; and (3) that each Stipulating Party waives all right to cross examine all of the Stipulating Parties' witnesses with respect to prefiled testimony and exhibits. The Stipulating Parties are not aware of any opposition to the Joint Motion to Excuse Witnesses.

Based on the Stipulating Parties' Joint Motion to Excuse Witnesses, all filings in the dockets, including the jointly filed Settlement Agreement and Stipulation, and the record as a whole, the Presiding Commissioner finds good cause to excuse all witnesses from testifying at the expert witness hearing and further, to receive into the record, the witnesses' prefiled testimony and exhibits, the Application and supplemental material, and the jointly filed Settlement Agreement and Stipulation.

The Presiding Commissioner also finds good cause to cancel the expert witness hearing scheduled for Monday, April 8, 2024, in Raleigh, North Carolina, and to require that Red Bird and the Public Staff file proposed orders, or a joint proposed order, on or before Wednesday, April 17, 2024.

IT IS, THEREFORE, ORDERED as follows:

1. That the parties and the expert witnesses in this matter are excused from appearing and testifying at the hearing on Monday, April 8, 2024, and the witnesses' prefiled testimony, and exhibits, the Application along with the supplemental materials and attachments to the Application, and the jointly filed Settlement Agreement and Stipulation are hereby admitted into evidence;

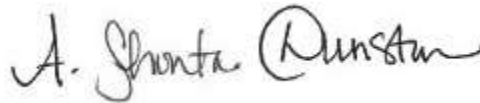
2. That the expert witness hearing previously scheduled for Monday, April 8, 2024, at 2:00 p.m. in Raleigh, North Carolina, is hereby canceled; and

3. That the parties shall file proposed orders, or a joint proposed order, on or before Wednesday, April 17, 2024, and briefs by the same date, if they desire to file briefs.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

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

A. Shonta Dunston, Chief Clerk