

1 PLACE: Iredell County Hall of Justice Annex
2 Statesville, North Carolina
3 DATE: Thursday, March 23, 2023
4 DOCKET NO.: W-354, Sub 414
5 TIME: 11:03 a.m. to 1:26 p.m.
6 BEFORE: Commissioner Karen M. Kemerait, Presiding
7 Commissioner ToNola D. Brown-Bland
8 Commissioner Daniel G. Clodfelter
9
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12 IN THE MATTER OF:

13 Don Calhoun,

14 393 Bayberry Creek Circle

15 Mooresville, North Carolina 28117,

16 Complainant

17 v.

18 Carolina Water Service of North Carolina, Inc.,

19 Defendant
20
21
22
23
24

1 A P P E A R A N C E S:

2 Don Calhoun, pro se

3 393 Bayberry Creek Circle

4 Mooresville, North Carolina 28117

5
6 FOR CAROLINA WATER SERVICE OF NORTH CAROLINA, INC.,

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NORTH CAROLINA UTILITIES COMMISSION

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P R O C E E D I N G S

COMMISSIONER KEMERAIT: Okay. We'll go ahead and get started. Good morning. Let's come to order and go on the record. I'm Presiding Commissioner Karen M. Kemeraït, and with me this morning are Commissioners ToNola D. Brown-Bland and Daniel G. Clodfelter. I now call for hearing Docket No. W-354, Sub 414 which is a hearing to discuss the matter of Complainant Don Calhoun, 393 Bayberry Circle, (sic) Mooresville, North Carolina 28117, versus Respondent, Carolina Water Service of North Carolina, Inc.

On November the 7 of 2022, Mr. Calhoun, who I'll refer to going forward as Complainant, filed a formal Complaint in this docket against Carolina Water Service, Inc. of North Carolina that I'll refer to going forward as Respondent or CWSNC.

On November 8, 2022, the Commission entered an Order serving the Complaint on Complainant -- excuse me, the Complaint on Respondent.

On November 15, 2022, Respondent filed a motion requesting an extension of time to file its Answer to the Complaint.

On November 16, 2022, the Commission issued

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1 an Order granting an extension of time until
2 December 16, 2022 for Respondent to satisfy the
3 Complaint or file an Answer.

4 On November 16, 2022, Complainant filed
5 exhibits to his Complaint consisting of the My Utility
6 Connect website of Complainant's billing history from
7 October 7, 2021 through November 6, 2022 and
8 information of his water usage from December 31st,
9 2021 through October 26, 2022.

10 On November 30, 2022, Complainant filed an
11 addendum to the original Complaint consisting of
12 questions to Respondent.

13 On November -- on December 9, 2022,
14 Complainant filed an exhibit consisting of information
15 of his water usage for the period of January 31, 2022
16 to November 22, 2022.

17 On December 14, 2022, Complainant filed an
18 exhibit consisting of a letter dated December 4, 2022
19 from Respondent to Complainant notifying Complainant
20 of an outstanding balance of his water utility account
21 and possible disconnection if the bill was not paid
22 within 10 days of the date of the letter.

23 On December 16, 2022, Respondent filed an
24 Answer and Motion to Dismiss the Complaint that

1 included the affidavit and exhibits of Donald H.
2 Denton, President of Respondent. The exhibits
3 included with the Answer and Motion to Dismiss consist
4 of a technical memorandum prepared by Cavanaugh dated
5 October 2022 entitled, "Customer Meter Review and
6 Billing Process Confirmation, The Harbor, The Point,
7 The Farms." It also included investigation materials
8 and results from the Public Staff and the Better
9 Business Bureau and to Complainant's concerns. It
10 also included property and tax records, meter test
11 results. A water usage pattern graph for the three
12 neighborhoods discussed in the pleadings, hourly
13 consumption analyses of Complainant's water usage, and
14 confidential exhibits consisting of copies of
15 Complainants water bills dated June 24, 2021 through
16 October 28, 2021, and August 11, 2022 through
17 September 27, 2022.

18 On December 16, 2022, Complainant filed a
19 response to CWSNC's Answer and Motion to Dismiss.

20 On December 20, 2022, Complainant filed
21 request for a public hearing and also a "Response,
22 Part 2" to Respondent's Answer and Motion to Dismiss.

23 On January 31, 2023, the Commission issued
24 an Order Scheduling this hearing. So, that brings us

1 to the hearing this morning. Pursuant to the State
2 Ethics Act, I remind all Members of the Commission of
3 their duty to avoid conflicts of interest and inquire,
4 at this time, as to whether any Commissioner has a
5 known conflict of interest with respect to matters
6 coming before us this afternoon.

7 (No response)

8 COMMISSIONER KEMERAIT: Please let the
9 record reflect that no such conflicts have been
10 identified. Mr. Calhoun, are you represented by an
11 attorney in this proceeding or will you be
12 representing yourself?

13 MR. CALHOUN: Representing myself.

14 COMMISSIONER KEMERAIT: Okay. Let the
15 record reflect that Mr. Calhoun will be representing
16 himself. I now call upon Complainant Calhoun and
17 counsel for CWSNC to announce their appearance for the
18 record, beginning with the Complainant. And by
19 announcing your appearance, please state your full
20 name and address.

21 MR. CALHOUN: Donald James Calhoun, 393
22 Bayberry Creek Circle, Mooresville, North Carolina
23 28117.

24 COMMISSIONER KEMERAIT: Thank you.

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1 MR. CALHOUN: You're welcome.

2 MS. SANFORD: Jo Anne Sanford, Sanford Law
3 Office, P.O. Box 28085, Raleigh, North Carolina. I am
4 representing Carolina Water Service of North Carolina,
5 and with me at counsel table is State President Don
6 Denton. And available to us in the room are
7 additional members of this CWS staff who are able to
8 answer questions if the Commission so desires.

9 COMMISSIONER KEMERAIT: Thank you,
10 Ms. Sanford. And I'd like to first -- before we get
11 started with the hearing, I'd like to say a few words
12 about the process for the proceeding this morning. In
13 accordance with Section § 62-75 of the North Carolina
14 General Statute, Complainant Calhoun has the burden of
15 proof in this proceeding. I'd also like to provide
16 information about how we're going to proceed in this
17 case.

18 Mr. Calhoun, you will present your evidence
19 first and then you will have an opportunity to present
20 rebuttal evidence after CWSNC presents its evidence.
21 So, we will begin by allowing Mr. Calhoun to present
22 his direct evidence for his case, which means that
23 Mr. Calhoun may testify and introduce
24 records -- excuse me, exhibits into the record. Then,

1 CWSNC will have an opportunity to cross-examine
2 Mr. Calhoun. And following CWSNC's cross-examination
3 of Mr. Calhoun, the Commission will have an
4 opportunity to ask questions of Mr. Calhoun. And
5 after the Commissioners have asked questions of
6 Mr. Calhoun, CWS will be able to ask questions of
7 Mr. Calhoun based specifically on the Commission's
8 questions, and then we'll proceed with CWS presenting
9 its evidence.

10 After CWSNC has presented its evidence,
11 Mr. Calhoun will have an opportunity to ask questions
12 of CWSNC's witnesses. Following Mr. Calhoun's
13 cross-examination of CWSNC's witnesses, the
14 Commissioners will have an opportunity to ask
15 questions of CWSNC's witnesses. And after the
16 Commissioners have asked questions, Mr. Calhoun and
17 CWSNC will be able to ask questions of CWSNC's
18 witnesses based specifically on the Commission's
19 questions. And then, we'll conclude by allowing
20 Mr. Calhoun to present rebuttal evidence, if
21 Mr. Calhoun chooses to do so.

22 And again, if Mr. Calhoun presents any
23 rebuttal evidence, CWSNC will have an opportunity to
24 cross-examine Mr. Calhoun on the rebuttal evidence.

1 And then, following that cross-examination, the
2 Commissioners will have an opportunity to ask
3 questions of Mr. Calhoun. And then, after the
4 Commissioners have asked questions of Mr. Calhoun,
5 CWSNC will be able to ask questions of Mr. Calhoun
6 based specifically on the Commission's questions. And
7 then, in regard to exhibits, any written materials
8 that you wish for the Commission to consider must be
9 provided to the Commission and introduced into the
10 record. And then, I'd like to talk just for a minute
11 about any confidential information or exhibits.

12 If either Mr. Calhoun or CWSNC needs to
13 reference any confidential information, we will first
14 determine whether the confidentiality of that
15 information will be waived by all parties. If the
16 confidentiality has been waived by all parties, then
17 we'll be able to proceed as non-confidential exhibits.

18 It is my understanding that Mr. Calhoun may
19 have some exhibits that contains some confidential
20 information. And so my understanding is that we will
21 be marking those exhibits, if they're admitted into
22 the record, as confidential, and we will try to avoid
23 referencing by testimony any confidential information
24 so that we will not have to clear the courtroom of

1 anyone who is not permitted to hear that confidential
2 information. And so before we get started, are there
3 any questions about the process that we will be
4 proceeding with for the hearing?

5 MR. CALHOUN: No.

6 COMMISSIONER KEMERAIT: And are there any
7 other preliminary matters which need to be addressed
8 prior to beginning the hearing? Mr. Calhoun?

9 MR. CALHOUN: No.

10 COMMISSIONER KEMERAIT: Ms. Sanford?

11 MR. CALHOUN: None from us.

12 COMMISSIONER KEMERAIT: Okay. So, the case
13 is now with the Complainant. Mr. Calhoun, if you have
14 any witnesses, and it's my understanding that you do
15 not, if you did have a witness, you could call your
16 witness. Otherwise, you are -- you may proceed with
17 presenting your testimony and the evidence in the
18 case. What I'll first do is swear you in. Do you
19 wish to be sworn in or to affirm your testimony?

20 MR. CALHOUN: Sworn in is fine.

21 COMMISSIONER KEMERAIT: If you can place
22 your left on the bible and raise your right hand.

23 DONALD JAMES CALHOUN;

24 having been duly sworn,

1 testified as follows:

2 COMMISSIONER KEMERAIT: And again, can you
3 begin your testimony by stating your name and address
4 for the record.

5 THE WITNESS: Donald James Calhoun, 393
6 Bayberry Creek Circle, Mooresville, North Carolina
7 28117.

8 COMMISSIONER KEMERAIT: Mr. Calhoun, we'll
9 let you stay at the table. Of course you're a
10 testifying witness but I think we'll all -- it's a
11 small courtroom. We'll all be able to hear you just
12 fine.

13 THE WITNESS: Okay.

14 COMMISSIONER KEMERAIT: So please proceed
15 with your case.

16 DIRECT STATEMENT BY THE WITNESS:

17 So last June, we received a large bill from
18 Carolina Water Service in the amount \$771.85. Our
19 direct neighbor had come to me about two weeks before
20 and let us know that he had a bill over nine-hundred
21 and something dollars and asked if we had the same
22 issue, which I told him we did not. And then three
23 months in a row, we had large bills come in. And
24 since then, the problem stopped.

1 CWS has told us that we have a leak on our
2 property. They have tried to tie it to a pool in the
3 backyard which is not connected to our water system
4 whatsoever with an elaborate irrigation system, which
5 it's just an irrigation and various other things. And
6 I'd like to start with Mr. Peacock who texted me in
7 the last two weeks trying to buy me off today, so I
8 didn't come testify, offering me \$650 to not come
9 today, and that's my first piece of evidence. And I
10 have a printout of the text message if anyone would
11 like to see it.

12 COMMISSIONER KEMERAIT: Okay. So have you
13 provided a copy of that exhibit to Ms. Sanford?

14 THE WITNESS: I have not but I have it all
15 ready.

16 COMMISSIONER KEMERAIT: Okay.

17 MS. SANFORD: Thank you.

18 THE WITNESS: You're welcome.

19 COMMISSIONER KEMERAIT: And then, can you
20 pass copies of it to the Commission and to the court
21 reporter.

22 THE WITNESS: Sure. If you can give me one
23 second since it was a reference 77, and I didn't have
24 time to get everything. That was the last one.

1 COMMISSIONER KEMERAIT: Give one to the
2 court reporter as well.

3 THE WITNESS: Sure.

4 COMMISSIONER KEMERAIT: So Mr. Calhoun, we
5 will mark for identification purposes exhibit --
6 Calhoun Exhibit 1 which is message dated Thursday
7 March the 9th at 11:30 a.m.

8 (Whereupon, Calhoun Exhibit 1 is
9 marked for identification)

10 COMMISSIONER KEMERAIT: And you may proceed.

11 THE WITNESS: Okay. So following three
12 large bills in which I was in touch with CWS, who
13 visited multiple times, changed our meter five times,
14 the operations director had come out and talked to us
15 and told us that between the hours of 1:00 a.m. and
16 5:00 a.m., that we were using over 600 gallons of
17 water while everybody slept. We disputed that
18 obviously because we're not up at that time. We don't
19 have irrigation on. Our irrigation was turned off in
20 June. The pool was not connected to that. I've had
21 an irrigation specialist and a plumbing company both
22 reiterate that we have no leaks. And immediately
23 after our last bill, on August 5th, and I can pass
24 this out as Exhibit 3, our bills went back down to

1 their historical average of 60 to \$70 instead of \$770.

2 COMMISSIONER KEMERAIT: And would you like
3 this exhibit to be marked as Exhibit 2 or Exhibit 3?

4 THE WITNESS: Exhibit 3, please.

5 COMMISSIONER KEMERAIT: Exhibit 3? Okay.

6 And I will mark this exhibit as Complainant's
7 Exhibit 3 which is a usage amount showing 25,885.80
8 gallons and 105 -- 105,024 gallons as Exhibit 3.

9 (Whereupon, Complainant Exhibit 3
10 is marked for identification)

11 THE WITNESS: I will clarify for the Court
12 105,000 gallons is an aggregate of their five
13 different meters they had in, so I was actually not
14 billed for that. I was billed for 35,000 gallons. At
15 the time, this was what their third-party website
16 showed. I also have for the Court historical averages
17 for our water, and that is Exhibit 2.

18 COMMISSIONER KEMERAIT: And I'll mark for
19 identification purposes as Complainant Exhibit 2
20 historical averages showing dates from March until
21 February.

22 (Whereupon, Complainant Exhibit 2
23 is marked for identification)

24 THE WITNESS: And my bills were entered in

1 to the Complaint, at least to the bills I had at that
2 point. I have one more document that I'd like to
3 enter into evidence which is Carolina Water Services
4 third-party Cavanaugh who was doing an audit and for
5 checking on the different meters throughout the three
6 neighborhoods in question.

7 COMMISSIONER KEMERAIT: And I will mark for
8 identification purposes Complainant Exhibit 4 which is
9 a page of the Cavanaugh report.

10 (Whereupon, Complainant Exhibit 4
11 is marked for identification)

12 THE WITNESS: The others that I have for you
13 are the different bills that people have given me, as
14 I mentioned to you before. So I can keep those here
15 if you'd like or not but my -- part of my case is the
16 fact that this is not an isolated incident. This is
17 not just our home. Everyone around us, all these
18 bills come in at the same time. They've all had the
19 same issues in terms of responses, getting any help
20 from CWS, and all of us are concerned that this isn't
21 going away because people are still getting large
22 bills as of last month.

23 COMMISSIONER KEMERAIT: So Mr. Calhoun, any
24 exhibits that you wish to have it be included in the

1 record, you may provide to the Commission and then, if
2 CWSNC's attorney wants to be heard on it, she may to
3 do so.

4 THE WITNESS: Okay. This may take me a
5 moment just because of the sheer volume of the
6 paperwork.

7 MS. SANFORD: If I might, I do object to
8 introduction of the evidence of the bills from
9 neighbors for a variety of reasons that I'm happy to
10 go into, but they specifically include the fact that
11 we're here about one account, one system of
12 measurement, one bill. And there are other
13 opportunities for others in the neighborhood to speak
14 should they wish to do or to protest should they wish
15 to do so. So for that, and for a core reason of
16 relevance, we would object.

17 COMMISSIONER KEMERAIT: Mr. Calhoun, do you
18 have a response to Ms. --

19 THE WITNESS: Yes. In my initial Complaint,
20 I mentioned that this is not about me, and this is
21 about our neighborhood and all of the people that are
22 involved in this. I'm being the representative for
23 our neighborhood and the other neighborhoods. I was
24 given permission expressly from everyone on this list

1 to provide these documentations to you so it'll prove
2 that it's not my residence that has a problem. It's
3 many residences that have a problem.

4 COMMISSIONER KEMERAIT: So Mr. Calhoun,
5 obviously this is a complaint about your particular
6 account and home. However, we will allow the exhibits
7 into the record and we will give the exhibits the
8 weight that they are due. However, I believe, as we
9 talked about before the hearing, some of these
10 exhibits have confidential information. Is that
11 correct?

12 THE WITNESS: In terms of account numbers,
13 names, addresses, yes, and those people have --
14 whatever you would like to decide, they're fine with
15 me.

16 COMMISSIONER KEMERAIT: Okay. For -- in
17 abundance of caution, we will be marking these
18 exhibits for other accounts as confidential.

19 THE WITNESS: Okay. Thank you. These may
20 not be the clearest of the copies. There are more,
21 but in the interest of time -- I'm sorry. Your second
22 page came off.

23 MS. SANFORD: Excuse me. Is there a set for
24 us?

1 THE WITNESS: Oh, sure. I believe
2 everything I gave you this morning is here.

3 MS. SANFORD: Okay.

4 COMMISSIONER KEMERAIT: So Mr. Calhoun, what
5 I have before me are four exhibits that I will mark
6 as -- Exhibit 7 is Complainant Exhibit 7 which is
7 Mr. Calhoun's bill dated August the 3rd of 2022, which
8 will be non-confidential. And I'll mark for
9 identification purposes Exhibit 15 which is a bill
10 dated -- I'll mark Exhibit 15 as Complainant
11 Confidential Exhibit 15.

12 (Whereupon Complainant Exhibit 7
13 is marked for identification)
14 (Whereupon, Complainant
15 Confidential Exhibit 15 is marked
16 for identification and filed
17 under seal)

18 COMMISSIONER KEMERAIT: And I'm having a
19 little difficulty reading the date of this bill, but
20 we will --

21 THE WITNESS: Which number is --

22 COMMISSIONER KEMERAIT: Exhibit 15.

23 THE WITNESS: Anyone with younger eyes
24 can --

1 MS. SANFORD: I'm certainly not that.

2 COMMISSIONER KEMERAIT: So we will mark
3 Exhibit 15 as Complainant Confidential Exhibit 15
4 which is a bill to Alder Springs Lake -- Lane, 132
5 Alder Springs Lane.

6 COMMISSIONER KEMERAIT: And then, we have
7 Exhibit 17A which will be marked as Complainant's
8 Confidential Exhibit 17A which is a bill dated -- with
9 a date of September 8 of 2022.

10 (Whereupon, Complainant
11 Confidential Exhibit 15 is marked
12 for identification)

13 (Whereupon, Complainant
14 Confidential Exhibit 17A is
15 marked for identification and
16 filed under seal)

17 COMMISSIONER KEMERAIT: And then, Exhibit
18 17B we'll mark as Complainant's Confidential Exhibit
19 17B that has a bill date of August 12th of 2022.

20 (Whereupon, Complainant
21 Confidential Exhibit 17B is
22 marked for identification and
23 filed under seal)

24 COMMISSIONER CLODFELTER: Commissioner

1 Kemerait, I also have copies of Exhibit 10. Did you
2 intend to distribute those? That is four pages.

3 MR. CALHOUN: Yes. That should have been in
4 there. If somebody is missing it, I've got another.

5 COMMISSIONER KEMERAIT: Yeah. I do not have
6 Exhibit 10.

7 THE WITNESS: Okay.

8 COMMISSIONER KEMERAIT: Thank you.

9 THE WITNESS: You're welcome.

10 COMMISSIONER KEMERAIT: And I will mark
11 Exhibit 10 as Complainant's Confidential Exhibit 10
12 which includes four pages of bills for an address of
13 397 Bayberry Circle -- excuse me, 397 Bayberry Creek
14 Circle.

15 (Whereupon, Complainant
16 Confidential Exhibit 10 is marked
17 for identification and filed
18 under seal)

19 COMMISSIONER KEMERAIT: You may proceed,
20 Mr. Calhoun.

21 THE WITNESS: In the interest of time, I do
22 have additional bills but I think these represent
23 generally in the neighborhood, and that is -- that's
24 what I present this morning.

1 COMMISSIONER KEMERAIT: Mr. Calhoun, do you
2 have any additional testimony that you wish to give on
3 direct, at this time?

4 THE WITNESS: No.

5 COMMISSIONER KEMERAIT: Okay. Ms. Sanford,
6 you may ask questions of Mr. Calhoun.

7 MS. SANFORD: Thank you very much.

8 CROSS-EXAMINATION BY MS. SANFORD:

9 Q I'm trying to do a paper sort here. Give me just
10 a second. Mr. Calhoun, I have several things to
11 talk to you about and we have a lot of paper
12 here. So, at the end of this first line of
13 questions, I'm just going to go back and go
14 through your exhibit so it'll be organized.
15 However. My pile of exhibits is for the latter
16 part.

17 A Okay.

18 Q But for just some preliminary questions, I guess,
19 first of all, I want to ask you about your
20 representation that Mr. Peacock called to try to
21 pay you off. You think that's an accurate
22 representation of his letter to you?

23 A Yes. I got it in text right here. It says if we
24 pay you \$650 for you not to go to the hearing.

1 MS. SANFORD: Do the Commissioners have a
2 copy of this?

3 COMMISSIONER KEMERAIT: Yes, we do.

4 MS. SANFORD: Calhoun Exhibit 1?

5 COMMISSIONER KEMERAIT: Yes.

6 COMMISSIONER CLODFELTER: Calhoun Exhibit 1.

7 BY MS. SANFORD:

8 Q You were -- this has taken a while to examine
9 your concerns and complaints, hasn't it?

10 A 10 months.

11 Q And during that 10 months, the Company has
12 replaced meters, correct?

13 A Five of them, yes.

14 Q And the Company has, on a number of occasions --
15 and I won't try to do an account, but I would
16 suggest that it has been an extensive number of
17 occasions, made field visits to your house?

18 A Correct.

19 Q And the Company has engaged an engineering or a
20 consulting firm to do an analysis of the service
21 and the measurements in your neighborhood,
22 correct?

23 A Correct.

24 Q And the Company has made corrections to bills

1 when they have acknowledged that their meters
2 were -- needed more calibration or whatever.
3 they've made some corrections to your bills
4 during this period of time, right?

5 A Yes, they have.

6 Q And they have offered and you accepted a payment
7 of \$650 to settle an earlier or a part of this
8 dispute that came earlier in the cycle. Is that
9 correct?

10 A Correct, the first month of billing we got.

11 Q Right. Did you consider that being paid off?

12 A I considered that being fair and historical
13 averages, not a \$771 bill.

14 Q Did you consider it being paid off? Would you
15 characterize it the same way?

16 A No. I characterize that as them adjusting my
17 bill to the correct amount.

18 Q But if -- you're offended by Mr. Peacock's offer.
19 Is that correct?

20 A I think it's a little odd after 10 months of
21 this, all of the work that I had to do to have
22 somebody text me a week, a week and a half before
23 the hearing to tell me they'll pay off \$650 if I
24 don't come to the hearing.

1 Q Would you agree that this hearing is a fairly
2 expensive proposition by the time we all --
3 including you, by the time we all get here at
4 this hearing room?

5 A Sure.

6 Q And could you consider whether it was a matter of
7 just showing good faith and a commitment to
8 economy to try to resolve this matter with you?

9 A No. We've had 10 months of this. A week and a
10 half before the hearing? I think it's a
11 desperation because they don't want me
12 testifying.

13 Q Okay. Well, I wanted to be sure we were clear on
14 the record about that. So, let's proceed to some
15 specific questions about your service and
16 Carolina Water's efforts to address your issues
17 and their issues. First of all, would you agree
18 that if you used this amount of water, you should
19 pay for it?

20 A Yes.

21 Q And let's talk about your water consumption
22 potential for just a minute. You have a
23 six-bathroom home. Is that correct?

24 A Four bathrooms and two half baths.

1 Q Six toilets?

2 A Yes.

3 Q Do you have any issues with toilets running, as
4 we say?

5 A No.

6 Q None?

7 A I have no problems with toilets or anything.

8 Q You have pool.

9 A As I mentioned, it's not connected to the water
10 service whatsoever.

11 Q When was your pool installed? And by that, I
12 think what I mean is when was your pool
13 operating? When were you able to use it?

14 A Late 2021.

15 Q 2021. And the billing issues, the consumption
16 issues, the issues with which you have been
17 dealing and struggling occurred over the 2022
18 time frame. Is that correct?

19 A Starting in June, yes.

20 Q In June. In June. And I have several questions
21 here. You have indicated that you retained a --
22 help me get this right. I'm not trying
23 misrepresent. You retained somebody to look at
24 the pool to examine -- no. You retained somebody

1 that was looking at your irrigation service,
2 correct?

3 A Yes. The person that put it in came back and --

4 Q Came back and looked at it. So, let me go to
5 irrigation and I'll come back to pool. And we
6 have a lot of paper and I apologize if I've
7 missed something, but do we have anything in the
8 record in this case that is a report from the
9 person or the firm who examined the irrigation
10 system?

11 A No. I have no report for them or the plumber.

12 Q Or the plumber? But the person -- was it a firm
13 or was it -- who installed your irrigation
14 system?

15 A It's somebody local I got off an aggregator site
16 of home service professionals. I don't remember
17 the name. I have it somewhere, but I don't have
18 it with me.

19 Q Okay. When did they come to examine your
20 irrigation system?

21 A June of 2022.

22 Q June of 2022. There has been conversation on the
23 record, and I believe with you, about some
24 measurement of billing anomalies or spikes in the

1 billing. Is that correct?

2 A Yes.

3 Q Have you had conversations with anybody about
4 whether that could be related to your irrigation
5 system?

6 A Besides the irrigation company?

7 Q Correct. Has the Company discussed with you the
8 possibility that -- that these measurement --
9 that these anomalies, used consumption anomalies,
10 could be related to your irrigation system?

11 A They did not. After we got our first bill, we
12 turned out irrigation off for the rest of the
13 year.

14 Q And that was -- when did you turn it off?

15 A June of 2022.

16 Q So, June of 2022, you haven't used it since then?

17 A Other than to have it winterized, no.

18 Q Okay. Let me go back to the pool. I'm sorry I
19 started that and then stopped. I got distracted
20 on the irrigation. How do you fill your pool?

21 A There's an 18-wheeler that come up with a load of
22 water, in our case a little over 10,000 gallons.
23 They run it through a pipe into the pool.

24 Q And that's done once a year?

1 A We've only had the pool since 2021 and we've only
2 had it done once.

3 Q And I don't have a pool, so I don't know how you
4 maintain a pool, but -- so that's a once-a-year
5 event?

6 A It's a one-time event.

7 Q Oh, a one-time event. Oh. So you don't empty
8 your pool in the winter?

9 A No.

10 Q Okay.

11 A We cover it.

12 Q Cover it. So, after it's filled up initially or
13 for this one-time event, how do you deal with
14 evaporative and other losses?

15 A We have solar panels, so we're not using the
16 pool. Put solar panels on them to keep the water
17 from evaporating.

18 Q Do you ever have to top it off?

19 A Yes, we've had to, but it's no more than a two or
20 three-minute water hose toping off. It's not an
21 extended amount of water being used. And every
22 time it rains, it fills right back up, so we've
23 had to decrease the water in our pool, so...

24 Q And could you tell us on the record what your

1 irrigation installer said when they came out to
2 examine your irrigation system.

3 A So, when they put the pool in, I think the pipes
4 were broken in the back. So he had to redo that
5 and then he checked the front yard. So he went
6 through each of the systems, the areas, and
7 checked that they were okay and they were not
8 leaking water.

9 So we went through extensive -- on
10 the backyard where he just put in the new
11 equipment in 2021. And then he checked all of
12 the sprinkler heads and all the systems in the
13 front.

14 Q And it was his conclusion that there were no
15 leaks or no untimely activations of your
16 irrigation system?

17 A Correct.

18 Q Your water usage in the summer months has
19 traditionally been higher, correct?

20 A Sure.

21 Q And that would be expected?

22 A Yes.

23 Q And is it clear -- is it your understanding that
24 when the Company -- when there were leaks on the

1 Company's side of the meter, that you're not
2 billed for that?

3 A Correct.

4 Q And there have been some of those leaks on the
5 Company's side of the meter, correct?

6 A Correct.

7 Q Do you have any reason to dispute the Company's
8 position that you're not billed for those because
9 they're on the other side of your meter?

10 A Not at all.

11 Q No. So -- well, I shouldn't ask this but I'm
12 curious. And you've put a lot of time in this.
13 What do you think accounts for the measurements
14 of consumption?

15 A I don't have any answer because of the sheer
16 number of people that this is affecting. I think
17 I would have to be on the other side of the table
18 to have an answer to that.

19 Q When you say "the sheer number people that this
20 is affecting," we don't know on this record, do
21 we, what the facts are of other people's
22 arrangement of pools and toilets and other kinds
23 of things. We only have evidence about what's
24 happened at your house. Is that correct?

1 A Well, I think you've got water bills from the
2 other people that show they had extensive water
3 bills for a number of months.

4 Q But they're not here to say whether or not they
5 have used or lost or been extravagant about
6 water. They're not here to talk about what
7 happened at their house. You're the only one
8 who's here, so yours is the one that we need to
9 focus on. And so if you don't have an
10 understanding of it, then that's fine. I'd just
11 like to know whether you do have any idea why
12 this consumption repeatedly measures high at your
13 house.

14 A Well, it doesn't only measure high at my house.
15 My next door neighbor lives right next to me.
16 It's the one that has over \$1,000 bills for a
17 number of months. My neighbor two doors down,
18 also in evidence, has the same problem. My
19 neighbor next to them has the same problem. My
20 neighbor across the street has the same problem,
21 so I would ask CWS what the problem is. It's not
22 my responsibility.

23 Q But we are here on this record talking about
24 yours. Is that correct?

1 A Well, we're talk about mine in general and we're
2 also -- in my initial Complaint, if you look at
3 that, I noted that this is not about me. This is
4 about my neighborhood, and those people entrusted
5 me to be their representatives in this hearing.
6 Not everybody has the free time, resources, or
7 anything else. I happen to work from home and I
8 have some free time, so I was chosen to do this.
9 It's not because I enjoy it.

10 Q I can imagine. I can imagine this is not -- it's
11 not a pleasant situation and that it's
12 time-consuming for everybody involved but
13 Mr. Calhoun, would you accept the representation
14 that Carolina Water's responsibility, in the
15 process of providing service to you, is to do a
16 number of things but that they include measuring
17 the amount of water that you use and charging you
18 for that amount of water?

19 A I understand that the law says whatever water
20 passes through the meter I'm responsible for.
21 However, in this case, I think we've got multiple
22 reports of -- and I think CWS, if you ask them to
23 show how many people have called and complained
24 and argued and fought about this for 10 months,

1 you would see it's not me. It's multiple,
2 possible -- I'm not even going to go there but
3 it's a lot of people.

4 Q But you would agree that it is their
5 responsibility to measure correctly and to charge
6 you for the consumption at the allowed rate?

7 A Yes.

8 Q I would like to turn to a couple of your exhibits
9 if I could and -- pardon me while I collect them
10 here. I don't have a lot questions but I had a
11 few. Would you accept or do you accept that the
12 use in your neighborhood is higher in the summer?

13 A Yes.

14 Q Are people in your neighborhood or community or
15 subdivision, whatever I should say, are they
16 required by any sort of homeowners' restrictions
17 to irrigate?

18 A They're required to keep an acceptable appearance
19 of their homes. So yes, as part of that, they
20 would irrigate.

21 Q Okay. Would you say that -- if you can say, does
22 everybody in your community have an irrigation
23 system?

24 A I can't say.

1 Q Can't say. Same question about pools.

2 A A few do, most don't.

3 Q Okay. All right. In your Exhibit 3, which
4 reflected -- I have it identified as Calhoun
5 Exhibit 3 on usage? I think this has been
6 distributed. You have your copy.

7 A Yes.

8 Q Showing that the highest month this year, that
9 the highest usage was at 105,000 gallons?

10 A I mentioned in my opening that there's multiple
11 on their website. It defaults to meter which
12 aggregates all five different meters they had
13 changed out. So when I got the bill, I thought I
14 was being charged 105,000, but it was the
15 aggregate of the five different meters that had
16 been installed. So when I printed that out for
17 this hearing, that number was on the page from my
18 Utility Connect and I couldn't remove it.

19 Q Okay. Thank you for that. I wanted us to talk
20 and be clear on the record that there was this
21 period of time during which meters were being
22 switched out. Is that correct? I think a total
23 of -- was it four meters ultimately?

24 A I believe five is on the website.

1 Q Five. Okay. And there was a point in time - I
2 don't know if it was a moment or longer - in
3 which, as you say, the aggregate amount shown by
4 those meters was on there, but you were not
5 billed for that amount?

6 A Correct.

7 Q You were billed for a smaller amount?

8 A Correct.

9 Q All right. Thank you for that. And the meter
10 that you have now is a -- is an AMI meter. Is
11 that right?

12 A I'm not sure.

13 Q And I'm not either. That's as far as I can go on
14 this question, so I'll ask Mr. Denton some
15 questions about that. And while I'm looking, as
16 this matter has been in dispute, there's been no
17 disconnection of your service?

18 A There has not. I did receive four different
19 letters telling me they were going to turn off my
20 service but it's still turned on.

21 Q But those were rescinded, weren't they? I mean,
22 as you say, it's been a lengthy period of time as
23 everybody has tried to resolve this. And during
24 the period of investigation, it has taken a

1 while, hasn't it?

2 A Yes.

3 Q Let me look through your exhibits. I think I had
4 one more question but maybe I did not.

5 MS. SANFORD: I have no more questions right
6 now. Thank you.

7 COMMISSIONER KEMERAIT: Okay. Thank you.
8 Mr. Calhoun, I think that Commission has some
9 questions for you. But first, I want to make sure
10 that we have a complete record. We have the exhibits
11 that you have, that we've marked for identification
12 purposes. In addition, and before I do this, there
13 are -- for the record, there will be gaps in exhibits
14 but we'll just proceed as they've been marked by
15 Mr. Calhoun.

16 The last exhibit that we've marked for
17 identification purposes is Confidential Exhibit 17B.
18 In addition, to ensure that we have a complete record,
19 I'm going to give you the opportunity to request that
20 the documents that you filed in the docket be marked
21 for identification purposes.

22 THE WITNESS: Sure.

23 COMMISSIONER KEMERAIT: So, beginning with
24 what would be Exhibit 18 is your Complaint that was

1 filed on November 7, 2022. Do you wish to have the
2 Complaint marked for identification purposes as
3 Exhibit 18?

4 THE WITNESS: I had another exhibit marked
5 18 but I'll just hold onto that, so I'm fine with the
6 initial complaint.

7 (Whereupon, Complainant
8 Exhibit 18 is marked for
9 identification)

10 COMMISSIONER KEMERAIT: And then you filed a
11 Connect My Utility statement on November 16 of 2022.
12 Would you like that exhibit marked as Complainant
13 Exhibit 19 for identification purposes?

14 THE WITNESS: Please.

15 (Whereupon, Complainant
16 Exhibit 19 is marked for
17 identification)

18 COMMISSIONER KEMERAIT: And you filed a
19 statement of water usage from December 31st, 2021
20 through October 26, 2022 that was filed on November 16
21 of 2022. Do you wish to have that document marked as
22 Complainant Exhibit 20.

23 THE WITNESS: Please.

24 (Whereupon, Complainant

1 Exhibit 20 is marked for
2 identification)

3 COMMISSIONER KEMERAIT: And then you filed
4 an addendum to Calhoun Complaint versus Carolina Water
5 Service that was filed on November 30th of 2022. Do
6 you wish to have that marked as Complainant Exhibit 21
7 for identification purposes?

8 THE WITNESS: Please.

9 (Whereupon, Complainant
10 Exhibit 21 is marked for
11 identification)

12 COMMISSIONER KEMERAIT: And you filed a
13 statement of water usage from January 31st, 2022 until
14 November 22nd, 2022 that was filed on December 9 of
15 2022. Do you wish to have that marked as Complainant
16 Exhibit 23.

17 THE WITNESS: Please.

18 (Whereupon, Complainant
19 Exhibit 23 is marked for
20 identification)

21 COMMISSIONER KEMERAIT: And then you filed
22 Complainant's response to CWS' Answer and Motion to
23 Dismiss on December 16 of 2022. Do you wish to have
24 that marked as Complainant Exhibit 24 for

1 identification purposes?

2 THE WITNESS: Please.

3 (Whereupon, Complainant
4 Exhibit 24 is marked for
5 identification)

6 COMMISSIONER KEMERAIT: And then finally,
7 you filed Complainant's Response Part 2 to CWS' Answer
8 and Motion to Dismiss that was filed on December 20th
9 of 2022. Do you wish to have that marked for
10 identification purposes as Complainant's Exhibit 25?

11 THE WITNESS: Please.

12 (Whereupon, Complainant
13 Exhibit 25 is marked for
14 identification)

15 COMMISSIONER KEMERAIT: And so I have some
16 follow-up questions and then I feel like Commissioners
17 may as well.

18 EXAMINATION BY COMMISSIONER KEMERAIT:

19 Q I'd like to start with some questions about the
20 irrigation system, and you stated that you shut
21 the irrigation system off in June of 2022. Do
22 you recall the specific date that that occurred?

23 A I do not. It was shortly after getting our bill,
24 so whenever that came out. I don't have the date

1 but it would have been the end of June.

2 Q End of June? And can you describe how you
3 actually shut the irrigation system down?

4 A Sure. There's just a controller on the side of
5 the house and just cut it off.

6 Q And before the irrigation system had been shut
7 down in the past, was it set on a timer or some
8 sort of automatic schedule?

9 A Beginning in late May and June, it was going off
10 twice a week. That's around 5:00 in the morning
11 until around 8:00 in the morning.

12 Q Just two times a week?

13 A Yes.

14 Q Okay. And what about for the preceding summer
15 and the summer of 2021? What schedule -- did you
16 have it on a schedule and what would that
17 schedule have been?

18 A Yeah. It would only differ if we were in a
19 drought and I needed to -- you know, to cut
20 grass, a little more water, but it was typically
21 two days a week, sometimes three days if we went
22 through, say, three weeks of, you know, sun and
23 no rain and we would change it.

24 Q And then after you shut down your irrigation

1 system in June of 2022, when did you -- did you
2 restart your irrigation system at any point in
3 2022?

4 A No. The only thing we had done was that we had
5 to winterize, so I don't know if they actually
6 used that. And that was done by third-party, so
7 I didn't do it myself, but I assume they had to
8 turn on the -- blow out the pipes.

9 Q So from June until -- for the rest of 2022, your
10 irrigation system was not operating. Is that
11 correct?

12 A That's correct.

13 Q And for the summer of 2022 and specifically July
14 August and September, did you irrigate your lawn?
15 And if so, can you describe how you were -- how
16 you irrigated your lawn.

17 A We did not irrigate our lawn.

18 Q You didn't water the grass or water any of the
19 shrubs?

20 A No. Typically on a normal year, we did -- around
21 August, our yard burns up a unit of good water,
22 so we typically will turn it off around end of
23 July.

24 Q So you didn't water by hose or any way?

1 A No.

2 Q Like that?

3 A No.

4 Q And you talked about having an irrigation
5 specialist come out and look at your irrigation
6 system, and I think that that occurred, you said,
7 in June of 2022. Was that after you received the
8 bill or what prompted you to have the irrigation
9 specialist come?

10 A The bill. So I had been in touch with this
11 person when they did -- put the pool in our
12 backyard, they had to crush all the pipes in
13 order to put it in there. So he came out and
14 redid that in, I would say, October of '21, but
15 since I saw his contact information and he was
16 our irrigation guy, I let him know after that, I
17 said, "Can you please double-check. This is a
18 huge water bill and I want to make sure we don't
19 have any issues with irrigation." And then I
20 told him I had a plumber coming for the inside as
21 well.

22 Q Yeah. And so you did refer to a plumber but I
23 don't think you've had any testimony about that.
24 When did the plumber come out and do you have --

1 did the plumber -- I should say when did plumber
2 come out and was it just one visit?

3 A So, it would have been after 4th of July, so
4 probably the following weekend, and it was Denver
5 Plumbing who put in everything in my home when we
6 built it. So they came in, verified that we
7 didn't have any leaks. They suggested we get a
8 soft water heater or a water softener due to the
9 hard water. But other than that, it's a clean
10 bill.

11 Q Did the plumber provide you with a written report
12 or any documentation?

13 A All I had was a receipt at the time, and I didn't
14 bring it with me today.

15 Q And when the irrigation specialist came out, was
16 your irrigation system running at that time? Did
17 your irrigation specialist take a look at your
18 irrigation?

19 A He tested it, yes, so we had turned it off. But
20 when he showed up, he tested it just to make sure
21 everything was coming out of the sprinkler
22 correctly. There were no leaks. So he was there
23 for about an hour and a half, I would say, just
24 testing the different zones to make sure there

1 was no bubble ups from PVC or sprinkler heads
2 when making your subfloor.

3 Q And did the irrigation specialist or the plumber
4 give you any information about why they thought
5 you were recording, you know, significantly
6 higher water usage for the summer months? Did
7 they provide any information to you about what
8 might have been happening?

9 A No, not at that volume. They didn't have
10 answers. And so obviously, if you're using
11 63,000 gallons, half your yard would be under
12 water or your house would be flooding somewhere
13 if you were using that much water.

14 Q And were there any other additions to your
15 property before June of 2022 that might have
16 increased your water usage that you haven't been
17 asked about or provided any information about?

18 A No additional, no.

19 Q And I want to move you on to -- ask you a few
20 more questions about your pool and how it's
21 operated. Can you give us an idea about what the
22 size of your pool is?

23 A Sure. It's a 12 x 10, so it's a smaller
24 fiberglass pool. It's operated by Jandy

1 Equipment which is the pool pump that filters the
2 water back in. There's a hot tub level to it
3 which then water falls back into the pool, which
4 go into the skimmer back underneath the pool, and
5 then recycles again.

6 Q And then, I think you provided some information
7 about how the water level is maintained during
8 the summer months and I think you said through
9 normal rain fall, and also that you use a hose
10 for about two to three minutes to add water to
11 the pool. How frequently are you adding water to
12 the pool on a weekly basis?

13 A I did it twice last year and that was, again,
14 very short periods. So, you know, kind of ebbs
15 and flow in the pool, is that if, you know, we
16 get a dry and sunny period, we put solar panels
17 on it so it doesn't soak up the water. And then
18 we get rain and it actually will overflow, so I
19 have a pump on the Jandy Equipment to let out
20 extra water.

21 Q Okay.

22 COMMISSIONER KEMERAIT: Thank you,
23 Mr. Calhoun. That's all the questions I have, but the
24 other Commissioners may -- Commissioner Brown-Bland,

1 do you have any questions?

2 COMMISSIONER BROWN-BLAND: Yes, I have a
3 few.

4 EXAMINATION BY COMMISSIONER BROWN-BLAND:

5 Q Mr. Calhoun, I wanted to go back and understand
6 your initial statement when you began your
7 testimony. You said you got started into this
8 inquiry and checking out the water situation
9 after a neighbor brought it to your attention?

10 A Correct.

11 Q And he asked had you had any problems. You
12 responded no. What time frame was that?

13 A That was the end of May, towards the beginning of
14 June, prior to me getting a large bill.

15 Q In 2022?

16 A Yes.

17 Q And then you said something. I just want to be
18 sure I understand. Something about three months
19 later, you said no problems?

20 A If I did, I misspoke. I didn't tell him three
21 months later, no problems. I think what I may
22 have said is that we had three large bills that
23 came in and then our water usage went back to
24 normal.

1 Q Right. Now, how long -- is the water usage
2 currently registered as normal?

3 A Yes, it is. So our normal bill is \$60 in taxes
4 or so. It's been that way for the last four
5 months.

6 Q \$60? And how long has it been what you consider
7 normal? How many months?

8 A For the last four months.

9 Q So five months back it was not normal?

10 A Correct.

11 Q All right.

12 A And I may have that off a little bit just based
13 on the billing periods. They may have come a few
14 weeks later than the actual usage, but I believe
15 it was June, July, and August where we had the
16 issue and then it's been leveled off since.

17 Q All right. And the pool, just so I'm clear on
18 it, was it a new pool that you had to have -- is
19 it above ground, dug out, or --

20 A So it's an underground pool but it's a
21 fiberglass, one piece shell that they just drop
22 in, and then they've already connected the PVC
23 and those kind of things to the pump. So there's
24 a pump that pumps the water back through. It's

1 not tied into the water whatsoever. It just
2 recirculates the water and then you add chemicals
3 to it.

4 Q And that was done, pretty much shell and
5 everything, in 2021?

6 A 2021. So --

7 Q So was it there --

8 A The labor started --

9 Q 2021?

10 A Correct. I believe it was somewhere between June
11 and the end of September, October of '21, and it
12 was used. There's a hot tub portion of that, so
13 that was used throughout the winter and into the
14 spring months.

15 Q All right. Thank you. On the irrigation system,
16 you mentioned a couple of times that it was
17 winterized. Do you know when it was winterized?

18 A Well, typically do it sometime in December. It's
19 a family-owned business in our neighborhood, so
20 whenever the kids are home from college, they
21 come and do it. I think it's December, prior to
22 Christmas. I don't know the exact date.

23 Q So that's -- in this case, December 21, 2021 and
24 '22?

1 A That's typically when they do it. I mean, it
2 could be off a couple weeks, but that's
3 typically --

4 Q So both years since this has begun at -- since
5 the pool was installed?

6 A Yes.

7 Q Okay. And the irrigation system, though, how
8 long has it been in place?

9 A We've lived in the home for 10 years. The
10 irrigation was part of the home when we moved in.

11 Q Okay.

12 A We've never had these kind of billing issues.
13 Obviously in the summer, they go up with watering
14 and those kind of things, but not three and four
15 times what we've historically had.

16 Q And so the record will be clear, it's the
17 irrigation system that's winterized. So who did
18 the winterizing?

19 A It's called the Galvo Brothers. (Ph.) I believe
20 Thomas Galvo and his sons.

21 Q Do you know what winterizing involves when they
22 do winterize?

23 A Right. They just blow out any excess
24 condensation out of the pipes so they don't

1 freeze and burst the pipes. So they go
2 underneath and into the water controls, blow out
3 all the water that's in the pipes left over, and
4 make sure that it's turned off afterwards.

5 Q All right. Now -- and I think you may have
6 stated the plumber's name but what was the
7 plumber's name that came out?

8 A He works for Denver Plumbing.

9 Q Denver Plumbing?

10 A Yes.

11 Q And when the irrigation specialist came out, do
12 you have a name for the person who came out?

13 A I do if I went through my e-mail and everything,
14 but I didn't bring it for part of this.

15 Q And do you know -- you described a little bit
16 about what was done when he came out, but do you
17 know if he uncovered any ground and looked at the
18 actual piping?

19 A He went through -- so there's six zones of an
20 irrigation system in this case. So he just went
21 through zone 1, went out and looked at the
22 ground. Looked at all the sprinkler heads, dug
23 down to see if there was anything with each pipe,
24 and then went to zone 2 and so forth until he

1 finished his inspection.

2 Q So when you say "dug down," you think he --

3 A He has a little --

4 Q You were observing this, correct?

5 A -- a two or three-foot little tool that he goes
6 into the yard and by the PVC pipe just to see if
7 there's any moisture bubbling, anything.

8 Q You were observing him do this?

9 A Yes.

10 Q And then do you know whether your irrigation
11 system has the ability to have automatic settings
12 when it comes on and off?

13 A You can program it but it has to be in an on
14 position and the water has to be summarized or,
15 you know, all that reversed that was done to
16 winterize it. But that has to be done, and then
17 you would have to go out and program the
18 sprinklers to come on.

19 Q Are you the one that programs it?

20 A I am.

21 Q So it has been programmed before?

22 A Yes.

23 Q All right. Do you know the settings or the
24 schedules that you have it programmed for?

1 A Typically, I would do it Tuesday, Friday. And if
2 it was one of those dry periods, then I would
3 pick another date as well. But typically, we do
4 it from 6:00 a.m. until 8 a.m., somewhere in that
5 area.

6 Q Do you have any other appliances in your home
7 that use water or that have any automatic
8 settings?

9 A None that come to mind, no. I mean,
10 washer/dryer, dish washer, showers. None of
11 those are automatic.

12 Q And you don't have or do you have heating systems
13 or anything like that that use, consume water as
14 a part of their normal operations?

15 A No, just gas heat.

16 Q Okay. And then on your -- just for clarification
17 purposes, did you recall getting a communications
18 from Mr. Denton dated October -- sometime in
19 October, early October 2022?

20 A I got a number back and forth, so I'm not sure
21 which one you're referring to.

22 Q Did you recall in that -- do you recall at any
23 time in writing that Mr. Denton offered you a
24 second \$650 bill credit?

1 A Yes, he did.

2 Q And did you respond?

3 A A bit hazy for me in terms of the dates but I
4 don't know that I did and I don't know that I
5 didn't. I don't remember.

6 Q Do you recall that you did not receive that
7 second \$650?

8 A Correct.

9 Q So on Calhoun Exhibit 1, the email strings that
10 you gave us down at the bottom, the way I read
11 this is the CWS's side of the communications
12 says, "I was going to see if we could extend the
13 \$650 credit to you again." Could that have been
14 the reference to the October 2022?

15 A When this began in June, then we got this anomaly
16 of this large bill, they put a \$650 credit
17 towards that \$750 bill. I was immediately billed
18 again \$650 for the following month and then
19 another large bill after that. So those are two
20 separate instances, so this is more about
21 settling the outstanding balance that has not
22 been paid to date based on these bills that we've
23 been receiving.

24 Q But in answering the questions that I was asking,

1 I thought you indicated you were aware that that
2 second \$650 offer had been made?

3 A I'm aware that it was, yes.

4 Q And you did not respond to it?

5 A Again, I'm not -- I may have, I may not have. I
6 don't really remember that conversation but I do
7 remember saying that I want all of this fixed and
8 not just my situation. So, I may have said
9 something that day, but I don't recall talking or
10 responding to a particular email.

11 Q Do you recall whether there was a \$650 -- second
12 \$650 credit to your bill --

13 A There was not.

14 Q -- any time after October -- there was not. And
15 so my question is when this Friday email with
16 you, this past Friday, I think, that says, "I was
17 going to see if we could extend the \$650 credit
18 to you again to help resolve the issue," do you
19 think it's reasonable to assume that was a --
20 again, refers back to the second time the \$650
21 was offered to you?

22 A I think if you read it in total, it says "I was
23 going to see if we could extend the \$650 credit
24 to you again to help resolve the issue and avoid

1 going to the Commission hearing." So given the
2 fact this has gone on for 10 months, given the
3 fact that they've had ample time to make this
4 right with not myself but the entire area, it
5 seems very fishy to me that that offer is made
6 right before this hearing.

7 Q Right. And so part of your fishiness deductions,
8 and you just stated again was because it was just
9 before the hearing --

10 A [Nods in the affirmative]

11 Q -- but I'm asking you whether it, in fact,
12 extended it way back in October.

13 A It was, and then it was taken away.

14 Q Okay. All right.

15 COMMISSIONER BROWN-BLAND: I think that's
16 all right now. Thank you.

17 COMMISSIONER KEMERAIT: Commissioner
18 Clodfelter?

19 COMMISSIONER CLODFELTER: Yes.

20 EXAMINATION BY COMMISSIONER CLODFELTER:

21 Q Mr. Calhoun, a lot of questions I had have been
22 you've answered, and I appreciate that. I got a
23 couple questions about the documents. Do you
24 have a set of them there because I'm going to

1 walk through them.

2 A Sure.

3 Q Just to be sure I'm understanding what's on the
4 paperwork.

5 A Sure.

6 Q So on Exhibit 1, it looks like it's cut off at
7 the bottom. But as I can best make out, the last
8 thing that's said is "Yes, sir, I understand.
9 Thank you and have a good weekend."

10 A Correct.

11 Q Am I reading it correctly?

12 A You are.

13 Q It got a little cut off in the copier, so I just
14 want to be sure it was right. On Exhibit
15 Number 2 --

16 A Yes.

17 Q -- that's a comparison of two different years.
18 And what are --let's take March, for example.
19 The first bar for March, what year is that?

20 A 2021.

21 Q That's 2021. And so the second bar is 2022?

22 A Correct.

23 Q And it says previous year of 3,700. Your average
24 for the previous year was 3,790 gallons. Is that

1 for 2020 or for 2021?

2 A 2020.

3 Q That's for 2020. And so the current year of 2021
4 is -- your average was 3,655 gallons?

5 A Correct.

6 Q Okay. And during both those years, you had
7 exactly the same irrigation system you got today
8 that you had in 2022 and that you got 10 years
9 ago?

10 A Yes.

11 Q All right. Thank you for that. I don't think I
12 have any questions on Number 3. On Number 4, I
13 can probably find the answer to this if I go back
14 and read the whole report, which I will do, but
15 let me just ask you right now so I can get a
16 quick answer. Do you know where all of these
17 addresses are that are listed here? I know --
18 where are all these addresses? They're all in
19 your neighborhood?

20 A They're my neighborhood, the Harbor at the Point
21 and The Point which are all in the same service
22 area.

23 Q Take me through. And for the first one, I'm not
24 going to read anything confidential. So, the

1 first one, what neighborhood is that?

2 A I believe it is in The Point but I couldn't be
3 sure.

4 Q But it's not your neighborhood?

5 A No, it's not. The only ones in my neighborhood
6 are 306 Bayberry Creek Circle and 127 Bayberry
7 Creek Circle.

8 Q Okay. And do you know where the others are?

9 A They're in one of those two neighborhoods that
10 I --

11 Q One of those two?

12 A Yes.

13 Q Okay. All right. Thank you, sir. Exhibit 7,
14 how far away from your house is that address?

15 A That is my house.

16 Q Oh, I'm sorry. You're correct. I got ahead of
17 my myself.

18 A No worries.

19 Q The next one, let's look at 15. That address
20 which is, again, one targeted, 132 Alder Springs
21 Lane, how away from your house is that?

22 A It's about four blocks away.

23 Q Okay. In your subdivision?

24 A Yes.

1 Q And on Exhibit 10, that address is pretty close
2 to you or how far away is it?

3 A I'm trying to locate that one. Just a second.

4 Q That's four pages, four separate bills.

5 A That is next door.

6 Q That's your next door neighbor?

7 A Yes.

8 Q Okay. All right. And lastly 17A and B, how far
9 away from your house is that?

10 A Two houses to my right.

11 Q Two houses to your right. I'll ask you this. I
12 think I know your answer because I think we would
13 have talked about it already, but I'll ask you
14 anyway. You had not noticed any wet spots in
15 your lawn?

16 A No.

17 Q Any ponds in the water anywhere, any place where
18 the grass is just going bonkers as compared to
19 anywhere else, you have not noticed that?

20 A No.

21 Q What about any of your neighbors?

22 A No.

23 Q No ponding water anywhere on the street? Nobody
24 got a wet backyard or a wet front yard or

1 anything like that that suddenly they've got a
2 wet spot?

3 A My neighbor next door to me, so number 10 I
4 believe it is.

5 Q Number 10?

6 A Yes. Had told me that CWS had found that they
7 had a toilet running or something like that, but
8 to the extent that it was over \$100,000 -- or
9 100,000 gallons of water use, nothing that would
10 show outside or externally that you could see in
11 ponding water.

12 Q You couldn't see it outside?

13 A Correct.

14 Q Well, that sort of connects to one of the
15 questions I want to ask you. How do you take
16 sewer service? Do you have a septic tank?

17 A We do.

18 Q You do. So you don't take service from the town
19 of Mooresville or from any other private company?

20 A No. We have a HOA agreement with the company.

21 Q And so you're not billed for that and you don't
22 see billings, and you don't know how much is
23 going out in the outpipes?

24 A Right. We do get billed. It's mandatory that we

1 have our --

2 Q That's for cleanout?

3 A Yeah, exactly. Well, that's for measuring and
4 making sure everything's in line and that you
5 don't have a problem. And then they bill you,
6 but that's part of the HOA.

7 Q How often is that done?

8 A That's done annually.

9 Q Annually. Nothing unusual about your 2022 annual
10 inspection and cleanout of your --

11 A No. We've never had it empty or anything else
12 done to it other than a cap replaced that was hit
13 by a mower.

14 Q Okay. Commissioner Brown-Bland asked you about
15 any other watering house and you said you use gas
16 heat. Is that -- that's forced air?

17 A Correct.

18 Q It's not a hot water system or a steam system?

19 A No.

20 Q Just to be clear. We won't get into why I'm
21 asking you the question but trust me, I have a
22 reason for asking the question. Where is the
23 nearest fire hydrant to your house?

24 A I honestly don't know.

1 Q Is there a fire hydrant on your street?

2 A I'm sure there is one but I'm not aware where it
3 is.

4 Q I apologize. I don't know this, but are you in
5 the Town of Mooresville, Statesville?

6 A No, we are not. So they count 28117 down Raleigh
7 School Road. It's a rural area and not part of
8 the Town of Mooresville.

9 Q So who provides fire service to you? Does the
10 Town of Mooresville provide it or a volunteer
11 fire --

12 A Lake Norman Fire Department.

13 Q Lake Norman Fire Department?

14 A Yes.

15 Q Have you ever set your irrigation system to run
16 between the hours of midnight and 2:00 a.m.?

17 A No.

18 Q That's not a setting you do when you go out and
19 program it?

20 A No.

21 Q And I think, Mr. Calhoun, my other questions have
22 been answered, so thank you.

23 A Okay.

24 COMMISSIONER CLODFELTER: Much appreciated.

1 Thank you.

2 COMMISSIONER KEMERAIT: And I believe that
3 Commissioner Brown-Bland has some additional
4 questions.

5 THE WITNESS: Okay.

6 EXAMINATION BY COMMISSIONER BROWN-BLAND:

7 Q Just as a follow-up, did you testify or indicate
8 that when the pool was initially installed, that
9 some portion of the irrigation system was
10 damaged?

11 A Correct. So they have to dig up with a backhoe.
12 They have to dig a hole and put the fiberglass
13 in. When they did that, although it was marked,
14 they ripped right through it and pulled the PVC
15 apart. So with the concrete being boarded around
16 it, as soon as that was done, the irrigation
17 specialist came out and replaced that and moved
18 some of those in the backyard, and that was
19 probably July or September of 2021.

20 Q Is that the same irrigation specialist that came
21 out when you asked them to come and check the --

22 A Yes.

23 Q And that was repaired when did you say again?

24 A It was somewhere around -- as soon as they poured

1 the concrete, so it would have been around
2 August, September of 2021.

3 COMMISSIONER BROWN-BLAND: All right.

4 COMMISSIONER KEMERAIT: And one follow-up
5 question to Commissioner Brown-Bland's question.

6 EXAMINATION BY COMMISSIONER KEMERAIT:

7 Q Did you continue to operate your irrigation
8 system after it had been repaired in August or
9 September of 2021?

10 A We may have used it a couple times, but that time
11 of year, we don't typically water too much.

12 COMMISSIONER KEMERAIT: Okay. That's all
13 the questions for Commission. Ms. Sanford, do you
14 have questions on Commission's questions?

15 MS. SANFORD: I do not. Thank you.

16 COMMISSIONER KEMERAIT: So Mr. Calhoun,
17 let's -- we've marked a number of exhibits for
18 identification purposes. And I will state these
19 exhibits and then you can make any motion that you
20 wish to admit them into evidence.

21 We have Exhibit 1, Exhibit 2, Exhibit 3, 4,
22 Exhibit 7, Confidential Exhibit 10, Confidential
23 Exhibit 15, Confidential Exhibit 17A, Confidential
24 Exhibit 17B, and then we have Exhibit 18 through 25

1 which are the exhibits that you filed in the Docket.

2 THE WITNESS: Okay.

3 COMMISSIONER KEMERAIT: Would you like to
4 make a motion about admitting these motions into
5 record.

6 THE WITNESS: I would like all of these
7 entered into the record, please.

8 COMMISSIONER KEMERAIT: Your motion is
9 allowed.

10 THE WITNESS: Okay. Thank you.

11 (Whereupon, Complainant Exhibits
12 1-4, 7, and 18 - 25, and
13 Confidential Exhibits 10, 15, 17A
14 and 17B are admitted into
15 evidence and filed under seal)

16 COMMISSIONER KEMERAIT: Okay. Ms. Sanford,
17 we'll proceed with CWS's evidence.

18 MS. SANFORD: Thank you. I would like to
19 call Don Denton, please.

20 DONALD H. DENTON III;
21 having been duly sworn,
22 testified as follows:

23 COMMISSIONER KEMERAIT: Thank you.

24 DIRECT-EXAMINATION BY MS. SANFORD:

1 Q Let's see. Mr. Denton, would you please state
2 your name and business address and occupation for
3 the record, please.

4 A Donald Hinton Denton III, Senior Vice President
5 of Corix Regulated Utilities, East Operations. I
6 don't know the address. I just moved.

7 Q Trick question.

8 A Well, I believe -- I'll have -- subject to check,
9 5823 Fairview Road, Charlotte, North Carolina.
10 The address number is probably not right.

11 Q Thank you.

12 MS. SANFORD: And Commissioner Kemerait, as
13 we've discussed briefly before - and I think it's a
14 little helpful - I'll tell you how I envision this
15 process and we'll request your approval of it.
16 Mr. Denton has prepared a summary and we would like
17 for him to read this summary. I know that sometimes
18 that's more appropriate than others. I know. And
19 that we'll ask if we can have permission for him to do
20 it, in this case, and he has filed an affidavit in the
21 Docket. I am going to wish, of course, to admit the
22 affidavit and to have the exhibits attached thereto
23 marked for identification. So, it's my intention to
24 do that. And then at the conclusion of this, to do as

1 you've done with Mr. Calhoun and make sure we have
2 everything entered into the record that we need. So,
3 if that is acceptable.

4 COMMISSIONER KEMERAIT: That's acceptable.
5 We will allow Mr. Denton to read his summary into the
6 record.

7 COMMISSIONER KEMERAIT: Thank you. Much
8 appreciate that.

9 BY MS. SANFORD:

10 Q So Mr. Denton, you've prepared a summary for
11 today's proceeding?

12 A Yes.

13 Q And there should be copies of this summary for
14 Mr. Calhoun and for the Commissioners, and I have
15 one for the court reporter.

16 (Handed)

17 Q Okay. Would you proceed.

18 A Hi. Good morning. So I'm going to change it to
19 good afternoon. I'm Don Denton, Senior Vice
20 President of Eastern Operations for Corix
21 Regulated Utilities. I oversee the operations of
22 Carolina Water Service, Inc. of North Carolina,
23 Blue Granite Water Company in South Carolina, and
24 Sunshine Water Services in Florida, all of which

1 are subsidiaries of Corix. I also serve
2 President of Carolina Water Service and Blue
3 Granite.

4 Joining me today are members of
5 our team including: Gary Peacock, Director
6 East -- West Operations. Tony Konsul, Director
7 of East Operations. Matt Schellinger, Director
8 of our Financial Planning and Analysis, and Paige
9 Sheehan who's acting in communication's best.

10 I appreciate the opportunity to
11 participate in today's hearing and to testify on
12 behalf of the Company. We take very seriously
13 our commitment to be responsive to customers and
14 welcome the chance to summarize our extensive
15 efforts to work with Mr. Don Calhoun and to fully
16 respond to his formal complaint filed with the
17 Commission.

18 I commend to you the Answer and
19 Motion to Dismiss Complaint in my affidavit which
20 the Company filed in this Docket on
21 December 16th, 2022. As you know from that
22 detailed filing, our Company conducted an
23 extensive investigation to explore potential
24 causes of high water use and high bills at

1 Mr. Calhoun's property in May through August of
2 2022. In conjunction with my testimony today, I
3 also supplement the record with two additional
4 exhibits that I made Denton's Exhibits 1 and 2.

5 Based on all information we
6 gathered, we believe that water was delivered to
7 Mr. Calhoun's property and he was billed
8 correctly for usage during the summer of 2022.
9 Actions in our investigation included the
10 following:

11 Installation of four water meters
12 at Mr. Calhoun's home during three different
13 tech -- using three different technologies -
14 analog, Automated Metering Infrastructure, and
15 Automatic Meter Reading - to ensure accurate and
16 more detailed tracking of water usage. For
17 example, we shared hourly usage data with
18 Mr. Calhoun that showed water usage patterns and
19 anomalies that could be clues to a potential leak
20 or equipment problem on the customer's property.

21 We had an independent meter test
22 conducted that demonstrated proper operation of
23 that important metering equipment. We
24 commissioned a third-party audit of the Company's

1 billing and meter reading practices. That
2 independent audit confirmed that our operations
3 are consistent with routine standards of other
4 utilities.

5 Our technicians and field leaders
6 made multiple visits to Mr. Calhoun's property to
7 observe meter operations, search for possible
8 leaks near the meter, and to offer to work with
9 Mr. Calhoun to explore potential leaks on the
10 property.

11 On a parallel track, my team and I
12 stayed in close contact Mr. Calhoun by email and
13 phone. We also responded to a number of
14 complaints that he lodged. There were two Public
15 Staff informal complaints and one Better Business
16 Bureau complaint. All were closed with no
17 adverse actions taken against our Company.

18 We believe that several factors
19 likely contributed to higher water usage and
20 higher bills in Mr. Calhoun's home during the
21 three billing periods in question.

22 The customer has a historic
23 pattern of higher usage during the summer. There
24 were possible leaks of malfunctioning equipment

1 on the irrigation system on a newly constructed
2 inground swimming pool or elsewhere on the
3 property. In addition, NCUC-approved increase in
4 rates and changes to the volumetric component of
5 rates were implemented in the May/April time
6 frame, just as higher summer usage trends began.

7 We believe our Company has been
8 more than fair to Mr. Calhoun, particularly since
9 the information we have gathered demonstrates
10 that the water was delivered to his property and
11 the bills are correct.

12 In August of 2022, we provided him
13 with a very significant good faith billing
14 adjustment of \$650, which he accepted.

15 On October 6 of 2022, we offered
16 him an additional \$650 credit. Mr. Calhoun
17 declined and we terminated that offer at that
18 time.

19 On March 9th, we reached out again
20 to speak with Mr. Calhoun and he responded that
21 he wished to respond -- proceed with the hearing.

22 For the months in question,
23 Mr. Calhoun has an unpaid balance of
24 approximately \$713.91. We respectfully request

1 that he be ordered to pay that balance and that
2 his formal complaint be dismissed. Carolina
3 Water Service North Carolina has been entirely
4 reasonable in its prior interactions with the
5 Complainant since its first encounter with
6 Mr. Calhoun on May 18th of last year when a
7 Company representative went to the Calhoun
8 property to investigate a reported leak. The
9 Company has continued to act in good faith in all
10 subsequent interactions with the Complainant and
11 thoroughly investigated and responded to all the
12 allegations set forth by Mr. Calhoun in this
13 Complaint proceeding.

14 In addition, we made a very
15 significant \$650 billing adjustment in
16 Mr. Calhoun's favor in August. Carolina Water
17 Service made good faith billing adjustments to
18 the benefit of Mr. Calhoun, notwithstanding that
19 multiple investigations by Company personnel
20 showed no leaks related to the utility's water
21 meters serving the Complainant. Meter testing
22 showed no irregularities with any of the meters
23 serving the Complainant premises which would
24 account for an inaccurate or faulty high meter

1 reads, and there is no indication of any
2 mis-billing by the Company related to the
3 Complainant's account.

4 Leakage on the customer's
5 premises, even if undetected, is the
6 responsibility of the customer. Carolina Water
7 Service is unwilling to make further financial
8 accommodations to the Complainant based on the
9 unsubstantiated high-bill claims, particularly
10 for possible leakage on the Complainant's
11 premises which are not the fault of the Company.

12 Thank you for the opportunity to
13 summarize our efforts to be responsive to the
14 Complainant registered with the Commission by
15 Mr. Calhoun.

16 Q Thank you, Mr. Denton. Did you cause to be filed
17 on December 16th, 2022 a twenty-page affidavit in
18 this docket?

19 A I did.

20 Q Did it include eight public exhibits as
21 attachments?

22 A It did, yes.

23 Q And did it include two confidential exhibits as
24 attachment?

1 A Yes, it did.

2 Q Have you prepared additional direct exhibits?

3 A Direct Exhibits 1 and 2.

4 MS. SANFORD: Commissioner Kemeraït and
5 members of the Commission, we have two additional
6 exhibits on direct that we would ask to be able to
7 present here at this proceeding and for me to review
8 with Mr. Denton. This is additional information that
9 we have developed as we approached the hearing that we
10 believe is useful, but it was not filed with the
11 original affidavit.

12 COMMISSIONER KEMERAÏT: Your request is
13 allowed.

14 MS. SANFORD: Thank you --

15 COMMISSIONER KEMERAÏT: You may proceed.

16 MS. SANFORD: -- very much, and we will.
17 I'll precede that by very quickly asking Mr. Denton if
18 he has some corrections to make to the affidavit that
19 we filed in December. He does, and I would like for
20 him to review them for the record, please.

21 BY MS. SANFORD:

22 A Okay. In the affidavit on page 16, the footnote
23 at the bottom should be Denton Exhibit Number 1,
24 not Number 2. On page 17 at the top, the excerpt

1 from the report summary was cut off. Missing is
2 the quote "Based on findings included in the
3 analysis, we did not identify significant or
4 negligent issues associated with the current
5 meter reading or billing processes for The
6 Harbor, The Point, or The Farms." And then on
7 page 17, the date is incorrect in the middle.
8 Instead of November 18th, it should be
9 November 8.

10 Q Thank you, Mr. Denton. With respect to your
11 affidavit, do you have any other changes that you
12 would make?

13 A No.

14 Q If you were to file that affidavit today, would
15 it be filed in the same form with the inclusion
16 of these corrections that you filed it in
17 December?

18 A It would.

19 Q All right. Thank you. I'll ask if you would
20 turn to Denton Direct Exhibit 2. And again,
21 we've provided copies of these to Mr. Calhoun to
22 the Commission.

23 A Okay.

24 Q We're going to go quickly through these exhibits,

1 Mr. Denton, so that we can establish for the
2 Commission and for Mr. Calhoun what they show.
3 Denton Direct Exhibit 1 consists of three pages.
4 Is that correct?

5 A That is correct.

6 Q Okay. I'll ask you if you to turn to page 1.

7 A Okay.

8 Q Would you tell us what this table shows, what
9 this chart shows.

10 A So this is The Point, The Farms, and The Harbor
11 and the monthly usage and seasonal curve from
12 2019 through January of 2023. It shows the
13 increase in volume of -- consumption of volume in
14 these three communities during the summer months.

15 Q And could you tell us the months to which the
16 peaks, the one, two, three, and four peaks,
17 corresponds?

18 A Mostly it's June through September on this graph.

19 Q Okay. All right.

20 MS. SANFORD: Mr. Calhoun, I gave you
21 copies. Would you --

22 MR. CALHOUN: Yes. I have that. Thank you.

23 BY MS. SANFORD:

24 Q I would ask you to look at Direct Exhibit 1,

1 page 2.

2 A Okay.

3 Q Bills issued in non-summer months is the caption.

4 Is that correct?

5 A That is correct.

6 Q And then would you tell us what this table

7 represents with respect to consumption?

8 A So for the year 2022 and through February of '23,
9 this is the number of bills for these three
10 communities that were sent out with the -- on the
11 bottom is the consumption in gallons for each
12 bill. So it's a histogram showing in buckets, so
13 5,000-gallon increments of the number of bills
14 for each set of 5,000 increments.

15 Q And the first docket goes up to 5,000 gallons a
16 month?

17 A Yes.

18 Q And the last is over --

19 A It's over 50,000 gallons.

20 Q It over 50,000 gallons. Thank you. And Direct
21 Exhibit 1, page 3, would you tell us what this
22 represents?

23 MS. SANFORD: Do you have it in the package
24 that we gave you?

1 COMMISSIONER CLODFELTER: The numbering
2 doesn't correspond to the numbers that you are talking
3 about. None of the numbers correspond.

4 COMMISSIONER BROWN-BLAND: Or we're looking
5 at the wrong things.

6 COMMISSIONER CLODFELTER: Or we're looking
7 at the wrong things.

8 COMMISSIONER KEMERAIT: In this set of
9 documents, the last thing --

10 COMMISSIONER CLODFELTER: Okay. After
11 Exhibit 8 comes Exhibit 1.

12 COMMISSIONER KEMERAIT: Right. Yeah. 1 and
13 2, yeah.

14 MS. SANFORD: I'm sorry. Did --

15 COMMISSIONER CLODFELTER: Is it the 1 and 2
16 come after Exhibit 7 and 8?

17 MS. SANFORD: I'm sorry. The 8 we filed in
18 December, and then these are additional ones that we
19 are presenting today. I apologize for not making that
20 more clear. So you have them now. Okay.

21 BY MS. SANFORD:

22 Q Let's see. Thank you. And we were --

23 A We had just talked about the histogram for the
24 off-peak months which is the second page.

1 Q So page 2 bills issued in non-summer months?

2 A Correct.

3 Q And then page 3 shows the bills issued in the
4 summer months. Is that correct?

5 A Correct. That's correct.

6 Q I'll now ask us to look at Denton Direct
7 Exhibit 2 additionally filed, additionally
8 presented today, not included in the original
9 attachments to the affidavit. Would you tell us
10 what this exhibit is?

11 A These are meter tests for the three Neptune
12 meters which are the digital meters that were
13 installed at Mr. Calhoun's property, and these
14 are the original manufacturer's meters tests.

15 Q Okay.

16 A So we received these meters new. They were
17 installed on Mr. Calhoun's property, and so these
18 are the original meter tests on Neptune.

19 Q Thank you very much.

20 MS. SANFORD: With that and at this time, I
21 have nothing further of Mr. Denton except to say that
22 he is available for examination.

23 COMMISSIONER KEMERAIT: Mr. Calhoun, you may
24 cross-examine Mr. Denton.

1 MR. CALHOUN: Okay. I appreciate that.

2 CROSS-EXAMINATION BY MR. CALHOUN:

3 Q Mr. Denton, did you direct Gary Peacock to text
4 me last week and the week before?

5 A I asked Gary to reach out to you, yes.

6 Q And was that so I wouldn't testify today?

7 A No, it wasn't. Well, it was to potentially save
8 us all sometime and money associated with this
9 hearing.

10 Q Yet it was made a week and a half before the
11 hearing and not the 10 months before?

12 A Well, we did extend the same offer to you in
13 October.

14 Q But a week and a half before I get a text saying
15 don't come to the hearing and we'll give you
16 \$650?

17 A Well, it's, again, the same offer that we made
18 you before, and we thought that there was an
19 opportunity to avoid this hearing to save us all
20 sometime and money as a settlement.

21 Q Okay. Do you know how many bills over \$500
22 you've sent out to those three neighborhoods in
23 the last year?

24 A I don't have the dollar value but showing the

1 Exhibit 1 that we just looked at, one of the
2 things that -- we did share with the HOA. We met
3 with the HOA very recently, I think, for all
4 three communities, and we actually shared these
5 same graphs with the HOA's. That during the
6 summer peak months, there were over 270 bills
7 sent out where residents, including -- now that
8 number does include the clubhouse and the tennis
9 courts I believe, but over 270 bills that were
10 over 50,000 gallons, yes.

11 Q Are you aware that The Farms clubhouse in which I
12 live was billed doubled the year before, so 4,000
13 and some dollars versus 2,000 and some dollars?

14 A I was not aware of that.

15 Q Would there be any reason, since I'm not a water
16 or meter expert, that neighbors in the same exact
17 area are all receiving very high bills?

18 A Well, as stated, we've worked with certain
19 neighbors about leaks. We found a few, but at
20 the same time and the HOA's do admit that these
21 communities use a lot of water. There is a water
22 requirement for irrigation in these communities,
23 and they don't disagree with that. In fact,
24 during the HOA meeting, there were discussions

1 around how they could save water, and we're
2 actually working with the HOA's now to establish
3 an irrigation seminar on how the communities can
4 save water.

5 Q And are you aware of the same HOA's and changing
6 by-laws allow for wells so they don't have to
7 deal with Carolina Water Service anymore?

8 A I was not aware of that.

9 Q So the point has made that a formal change in
10 their by-laws because people are so fed up with
11 your company in overbilling them. My current
12 neighbor is building a well so he doesn't have to
13 be overbilled by you. Multiple others are as
14 well. So again, it's not just me. It's multiple
15 people here. And if that's not part of today's
16 docket, I apologize. Not everybody had time to
17 come or has time to deal with all this. I'm
18 trying to give you a total picture. There is a
19 major problem with Carolina Water Services, water
20 system service to those three neighborhoods.
21 It's been on the news. It's been escalated to
22 the governor. It's been sent to Gray Mills,
23 Vickie Sawyer in the Legislature. They're all
24 aware of it, and I find it unbelievable that I

1 had to go through 10 months of this, all on my
2 own, with no lawyer, to come here and said and be
3 told that I have a leak when it's absolutely
4 preposterous.

5 COMMISSIONER KEMERAIT: Mr. Calhoun, be sure
6 to ask questions of CWS's witness and then you'll have
7 an opportunity for rebuttal if you would like to make
8 any further statements.

9 MR. CALHOUN: Okay. I appreciate that.

10 COMMISSIONER KEMERAIT: Okay.

11 MR. CALHOUN: I have no further questions.

12 COMMISSIONER KEMERAIT: Okay. Mr. Denton,
13 the Commission has a number of questions for you.

14 EXAMINATION BY COMMISSIONER KEMERAIT:

15 Q And to begin with, under Denton Direct Exhibit 2,
16 that has been noted to be a preinstallation meter
17 test accuracy results, and you described it as
18 being for digital meters, and I just want to
19 confirm. As a digital meter, do you mean an
20 analog meter?

21 A So no. Originally, there was -- so other meters
22 that were installed. Originally, it was -- the
23 first analog meter that was leaking on our side.
24 That meter was replaced with another analog

1 meter. Then, we installed an Advanced Metering
2 Infrastructure, AMI meter. That meter logged all
3 the data but was having the MIU -- the
4 communications module was having trouble sinking
5 with the AT&T First Net System.

6 We replaced that meter with
7 another AMI meter. It had the same problem.
8 Thus, we realized it was a cell signal issue, not
9 an MIU issue. While the cell signal was not
10 uploading properly, the meter was logging all the
11 data. As soon as it got to a cell signal, it was
12 strong enough. It uploaded the data to the
13 system. Those meters hold, I believe, up to 90
14 days of data or more.

15 And so since we were having a cell
16 signal trouble, we ended up putting in an AMR
17 meter which is a local -- it's a digital meter,
18 stored digital data similar the AMI meter but you
19 have to be close to it or next to it to read it.
20 So that's the meter that's still at Mr. Calhoun's
21 property.

22 Q So the AMR meter is the one that the test results
23 are noted under Denton Direct Exhibit 2. Is that
24 correct?

1 A It's the two AMI meters and the AMR meter.

2 Q Okay.

3 A So all three of those.

4 Q So Mr. Denton, I've got some questions related to
5 information that you provided in your affidavit.
6 And you stated that CWSNC had performed multiple
7 field visits to Mr. Calhoun's property. I think
8 that's stated in your affidavit.

9 A Correct.

10 Q And based upon my reading of your affidavit, I
11 think the first visit was on August the 2nd of
12 2022. And you stated in your affidavit that the
13 field technician visited but found no leaks near
14 the meter. Can you provide any information about
15 whether the field technician looked for leaks in
16 areas other than the meter?

17 A No. He was not on the property, at least in
18 Mr. Calhoun's house or in his backyard or
19 anything along those lines. It was not -- it was
20 just observation from basically the meter and
21 meter area.

22 Q Okay. And then on the second visit, my
23 understanding, was on August the 9th of 2022.
24 And you stated in your affidavit that the field

1 technician visited Mr. Calhoun's property to read
2 the new AMI meter. And again, did the field
3 technician look for any leaks near the meter or
4 in other places other than near the meter?

5 A He actually had a number of visits before the
6 August time frame, but that was -- the August 9th
7 visit was one of the visits where we were looking
8 at and replacing the AMI meter.

9 Q Okay. And did he detect any leaks near the meter
10 on that August 9th visit?

11 A No.

12 Q And then you said that the field technician had
13 additional visits between August the 2nd and
14 August 9th of 2022?

15 A That looks -- yes, it looks that way. August the
16 2nd -- actually, it was in July, July 19th,
17 page 6 of my field technician visiting
18 Mr. Calhoun's home to read the meter to ensure
19 the meter was operating properly. And he looked
20 in the immediate area for leaks, so that was
21 actually on July 19th.

22 Q July 19th. So he looked in the immediate area of
23 the meter. Is that correct?

24 A Correct.

1 Q And did he look at any area other than directly
2 near the meter?

3 A No.

4 Q And then, I think that there was another visit by
5 a field technician on August the 12th of 2022?
6 Is that the --

7 A Yes. And he checked the leaks in the vicinity of
8 the equipment, yes.

9 Q Right. And did the field technician look for
10 leaks near the meter or in areas outside of the
11 meter area --

12 A Near the meter.

13 Q -- in that visit? Near the meter?

14 A Near the meter.

15 Q And did he find any leaks near the meter?

16 A No.

17 Q Did the field technician ever look on
18 Mr. Calhoun's property in general to see if there
19 was standing water or if he was able to determine
20 any leaks in any areas other than right next to
21 the meter?

22 A Not to my knowledge. Just in passing.
23 Obviously, just observation from the street and
24 around the meter, but not a detailed

1 investigation, no.

2 Q And did you receive any information that any
3 standing water or particularly wet areas of
4 Mr. Calhoun's property was detected?

5 A Not that were observed or relayed to me, no.

6 Q And then, I want to ask you a couple questions
7 about the testing of the AMI meters that you've
8 talked about.

9 A Yes.

10 Q And can you just briefly describe what the
11 results of the testing for the AMI meters were.

12 A So the -- well, the testing was the original, so
13 you're referring to Denton Exhibit 2?

14 Q Yes.

15 A Okay. So that actually is a manufacturer's test
16 that they test each meter before they're shipped.
17 And they run a volume of water through that and
18 validate that the meter has an accuracy that
19 meets specifications, and that's what these
20 reports are.

21 Q And after those meters were installed on
22 Mr. Calhoun's property, were they -- were those
23 two AMI meters, were they subsequently tested
24 after they had been installed on the property?

1 A They have not been, to my knowledge.

2 Q And then, I think your testimony talks about that
3 the AMI meter was replaced with the AMR meter on
4 September the 7th of 2022. Do you recall that
5 testimony?

6 A I do believe that's the date, subject to check.

7 Q And was that due to an issue or problem about
8 data transmission from the AMI meter? And I
9 think it was AMI meter 11502157?

10 A Those meters were having trouble communicating on
11 the AT&T First Net, first -- I don't know what
12 they call it. First Net. It's the first
13 responder's network for AT&T. These meters run
14 on that bandwidth, and so it was having a hard
15 time reaching a cell signal. And while --
16 although it was logging data. So when that meter
17 was replaced and we got it to where it did link
18 up with the cell service, it uploaded all the
19 data.

20 Q And it was replaced with the AMR meter?

21 A The second AMI meter was replaced with an AMR
22 meter, which is still in Mr. Calhoun's property.

23 Q And was that the reason for the replacement of
24 the second AMI so that the data could be uploaded

1 and linked with the cellular signal?

2 A Yeah. We replaced the first AMI meter with
3 another AMI meter because we thought it might be
4 an actual MIU problem. Every now and then, those
5 units, similar to cell cards or telephones, they
6 just fail. So we thought it was actually the
7 MIU, not a cell signal when we put the second
8 meter in, and it was having the same problem. We
9 realized it was the cell signal, so that's why we
10 put in the AMR meter.

11 Q And so once the AMR meter was installed, was
12 Mr. Calhoun able track his water usage from his
13 My Utility Connect account?

14 A The AMR unfortunately doesn't provide the update.
15 We have to provide that directly to the customer
16 because that's usually read monthly. Now, we're
17 actually reading his account more frequently
18 because we want to make sure that if we're seeing
19 another trend, we want to make sure that we
20 communicate that to Mr. Calhoun. But the --
21 normally that data would be uploaded monthly,
22 whereas the AMI meter is usually close to a day
23 behind. So that data is available to customers
24 through that network, and we can provide that to

1 them on a daily basis. The AMR meter, we
2 actually have to go to the premise and read it
3 each title.

4 Q And have you been providing -- so you provide the
5 AMR data to Mr. Calhoun on a monthly basis?

6 A We haven't been. We haven't been. We offered it
7 and we didn't hear back that he wanted to see it
8 again. Now, I know that Mr. Kenny Knopf who is
9 our area manager from the area did originally
10 share some of the data with Mr. Calhoun, but we
11 haven't done it since then.

12 Q Okay. And then for clarification, what meter was
13 actually in place and being used in Mr. Calhoun's
14 property at the time that the water usage of
15 about 105,000 gallons was registered in August?
16 Which meter was calculating the usage, at that
17 time?

18 A Well, the 105 (sic) gallons is actually a
19 combination of all three meters.

20 Q Right.

21 A Right? And so those were the -- I believe it was
22 the three digital meters that calculated up to
23 that. But the actual consumption was closer to
24 35,000 gallons, not 105,000 gallons. The

1 software -- and we've actually let the My -- it's
2 now called My Utility Account, My Utility
3 Connect. But the group that runs that software
4 system, we've made them aware of this anomaly in
5 their software; that if you replace a meter
6 within the time period, it doubles. But if you
7 do it three times, it triples the account, the
8 amount of water in the system.

9 Q And can you help me to understand that a little
10 bit better because there was only one meter on
11 Mr. Calhoun's property at one time.

12 A Right.

13 Q So when there's only one meter that's recording
14 the amount of water that's coming through the
15 meter and being used, how was the software taking
16 into account two additional meters that are no
17 longer on the property? How -- do you --

18 A Well, it's through the period of time. And I'm
19 not the software engineer, the engineer of the
20 software, so I'm not as knowledgeable of it. But
21 the way I understand it is there were three
22 meters. If you select meter and the volume
23 within the system, it calculated there were three
24 meters with three flows. It multiplied it by

1 three, and the volume by three, and so it
2 depicted a much higher volume than what was
3 actually reflected on the bill.

4 Q Okay. So in regard to Mr. Calhoun's comments
5 about other customers within the three
6 neighborhoods that we've been talking about, did
7 CWSNC experience any anomalies about extremely
8 high water usage readings in July or August for
9 any of the other customers? Do you have any data
10 about something that would have provided a red
11 flag to the Company?

12 A Well, we seek consistent high water volume in
13 these communities every summer, and we've
14 actually -- as I mentioned earlier, we've met
15 with the HOA's to say this is fairly significant.
16 We did meet with the Legislatures as well, with
17 the Public Staff, and communicated to them what
18 we're seeing. We're having ongoing conversations
19 with them as well as the HOA's because there is
20 some significant consumption in these
21 neighborhoods. A lot of it is driven by the
22 irrigation requirements and we've offered and the
23 HOA's have accepted. We're setting up these
24 seminars on conservation and responsible

1 irrigation techniques as well as there were
2 initial conversation by the Legislatures where
3 we're also retiring some wells in the community.
4 And there were some conversations earlier could
5 those wells be utilized by the community for
6 dedicated irrigation service.

7 We actually explored that with the
8 HOA's, ran some numbers on what that actually
9 would cost. And unfortunately, it's a cost
10 prohibitive endeavor because of -- you would have
11 to install an all new distribution system for
12 those wells. And so that, in itself, was -- and
13 that information was also shared with the HOA's.

14 Q And I understand that there is historic higher
15 water usage during the summer months of June,
16 July, August. But in the summer of 2022, did you
17 notice, for those three subdivisions,
18 significantly higher water usage that would be
19 well in excess of historic patterns other than
20 Mr. Calhoun's property?

21 A No.

22 Q I'm sorry. Can you --

23 A No. No, we did not. I mean in aggregate, the
24 peaks are very similar year-to-year.

1 Q And is the size -- what is the size of the meter
2 that's installed on Mr. Calhoun's property? Is
3 it five-eighths?

4 A I don't know. Subject to check, I would say
5 five-eighths.

6 Q Okay. And do you know off-hand about how many
7 gallons of water can pass through a five-eighths
8 inch meter in an hour?

9 A I want to -- I don't. We can verify that.
10 Subject to check, I would say roughly about
11 25 gallons a minute, but I'd have to verify that
12 for you.

13 COMMISSIONER KEMERAIT: What we would ask,
14 Ms. Sanford, is so that he doesn't have to speculate,
15 to provide a late-filed exhibit with the size of the
16 meter and how much water can flow through.

17 MS. SANFORD: We will. Thank you.

18 COMMISSIONER KEMERAIT: Thank you.

19 BY COMMISSIONER KEMERAIT:

20 Q Mr. Denton, I guess my last question is did CWSNC
21 offer to assist Mr. Calhoun about the Company
22 investigating areas of his property, other than
23 the meter, to determine whether you could
24 identify, you know, any issues that would

1 potentially explain, you know, the extreme -- the
2 high water usage that he was experiencing in
3 June, July, and August?

4 A On numerous occasions yes, we did.

5 Q And what response did you receive?

6 A The response was I don't have a leak.

7 COMMISSIONER KEMERAIT: Okay. Thank you.
8 And questions from the Commission, beginning with
9 Commissioner Brown-Bland.

10 COMMISSIONER BROWN-BLAND: Yes.

11 EXAMINATION BY COMMISSIONER BROWN-BLAND:

12 Q Mr. Denton, if you were to assume the pertinent
13 facts as alleged by Mr. Calhoun in the Docket and
14 here today, do you have - an educated hypothesis
15 and given everybody you know - do you have an
16 educated hypothesis on the cause of high usage
17 fluctuations?

18 A My -- well, I'll speak from my personal
19 experience. I have an irrigation system. Last
20 year, I had a leak. It was an underground leak.
21 It didn't surface until it actually got to the
22 road, at the edge of my property, and there was a
23 trickle. When finally dug it up, it was a
24 quarter-size hole in the one-inch line and it was

1 flowing consistently. I had large bills from
2 Charlotte water and would have never known it
3 because I didn't have puddles in my yard. The
4 street was wet, but it wasn't in my yard.

5 Q So in your own personal experience, how long did
6 you see the higher bills?

7 A I saw it for about three months, and then I
8 finally called my irrigation specialist. And he
9 came out and we walked the yard. And he saw the
10 water in the street, and then he dug up a fairly
11 large section of my yard trying to find the pipe.

12 Q So it took one time for him, for the irrigation
13 specialist to spot it?

14 A Yep. So to answer your question, I would surmise
15 that there is a leak somewhere. It's an
16 intermittent leak. It's not a continuous flow
17 leak, I mean, as the data represents, but...

18 Q An intermittent leak like you might suspect, I
19 mean, could you see that resulting in these large
20 numbers that have been testified about?

21 A Yes.

22 Q If the water didn't trickle out and show on the
23 road or that kind of thing, and I'm kind of
24 speaking specifically about Mr. Calhoun's

1 property.

2 A Right.

3 Q Or at least the area, the subdivision we've been
4 discussing, what would be the possible
5 explanation of where the water is going?

6 A I couldn't surmise without going out to the
7 properties and looking around. Usually, you
8 would think that it would surface somewhere.

9 Q It would be sort of a surface level? It wouldn't
10 just be going down deeper or --

11 A It could.

12 Q Is that possible?

13 A It's possible. I don't know where it could go,
14 but it's possible. You know, it's close to the
15 lake. So, is there some pathway to the lake? I
16 have no idea. But theoretically?

17 Q So, in your summary this morning, you said, "The
18 leakage on the customers' premises, even if
19 undetected, is the responsibility of the
20 customer." What else could anybody do, that
21 you're aware of, to determine the cause of the
22 high usage beyond what's already been done?

23 A Well, there are two aspects to it. One is the
24 leak and findings the leak. The other is

1 obviously conservation. The leak component --
2 and we've worked with customers. Recently, one
3 of our directors worked directly with a customer
4 where he went into this home and walked through
5 the house, actually on video with the customer,
6 because the customer wasn't on the premise, and
7 found a leak in the toilet. That was a slow leak
8 and he was able to fix it on the spot for the
9 customer. Those types of things, we're obviously
10 willing to work with customers. We try and help
11 them from that perspective.

12 As far as the conservation, we are
13 launching this effort, particularly with The
14 Farms, The point and The Harbor, and we want to
15 expand The Point for other communities.
16 Obviously, conservation is the policy of the
17 land, but we want to have more education around
18 responsible irrigation, you know, really how
19 much -- if you have like a sprinkler head, how
20 much water is really coming through a sprinkler
21 head at any given time? Some of the sprinkler
22 heads are five gallons a minute, depending on the
23 type of sprinkler head you have.

24 And, so, there's a lot of water

1 that can come through those heads that you may or
2 may not realize that you're utilizing. And, so,
3 with that, that is all part of this education
4 series that we're getting reach to launch.

5 Q If there is a leak somewhere on the customer's
6 side of the meter, what else could be done to
7 detect and locate the leak?

8 A Well, obviously, having experts come in and look
9 at it, other than potentially our team. But then
10 there's also the opportunity, once in the case of
11 our current policy, is that once that leak is
12 determined, then a customer can obviously apply
13 for a leak credit with the Company and verify it
14 through documentation that they did have a leak,
15 and this is what they had to do to prepare for
16 it. And therefore, we normally offer those back
17 to customers. Last year, we offered -- these
18 numbers are rough, but close to a quarter million
19 dollars in North Carolina leak credits.

20 Q But I'm asking about the methods and the science
21 of it. Is there anything else that hasn't been
22 done, if you've accepted what we heard so far,
23 that could be done to detect a leak?

24 A Well, the one thing and the value in the digital

1 meter, particularly the AMI meter, is the ability
2 to get the alarms; that there is something that
3 the software in those systems, the intelligence
4 of those AMI meters, that they are a program to
5 detect leaks. And they actually will -- once
6 implemented, and we're hoping to implement in
7 these communities AMI universally next year, is
8 that, you know, the customer can sign up for an
9 alert that will -- they'll get a text or a call
10 or something. It'll say there's a problem, you
11 have a leak. So I think there are other methods
12 that are forthcoming beyond just the
13 investigation and the historical type of
14 walk-through, type of visual inspection.

15 Q And so that would be with the AMI. And is
16 Mr. Calhoun, just clear me up, is he currently on
17 AMR?

18 A He's currently on AMR. The AMI that we would put
19 within those communities is not the direct
20 cellular point-to-point type of technology
21 because obviously, we do have some cellular
22 issues in those communities, but it would be more
23 of a hub-and-spoke type of technology radioed
24 back to a central point that then communicates

1 back on the cellular backbone so that we will
2 eliminate those pockets of and lack of
3 communication.

4 Q Thank you. And you asked for a late-filed
5 exhibit about the amount of water that could flow
6 through the five-eighths meter.

7 A Yes.

8 Q Does -- with regard to the investigations that
9 have already been done and with regard to
10 preparation of that type of document, does the
11 pressure readings come into it, and have you --
12 I'm making a compound kind of question here.
13 Does the pressure readings come into that and
14 does -- in the course of what's already been
15 done, has the Company detected any pressure
16 issues in the area?

17 A We haven't, to my knowledge.

18 Q Okay. Would the pressure readings be a part of
19 telling us how much water flows through the
20 five-eighths meter?

21 A Not at the meter -- not at the local presence of
22 the individual meter, no.

23 Q And if you look at one of the Company's bills, if
24 you look at Calhoun Exhibit 7.

1 A Okay.

2 Q Or Complainant's Confidential Exhibit 10, either
3 one.

4 A Okay.

5 Q Just walk me through the graphic on the
6 right-hand side that has the history.

7 A Sure.

8 Q You should see in the top says the billing
9 history in dollars, and then underneath the first
10 bar graph, says consumption history for water in
11 gallons.

12 A Correct.

13 Q Those two captions apply to both?

14 A Well, so the top is dollars, and I'm looking --
15 which exhibit are you looking at? Is it --

16 Q I'm looking at Calhoun 7 would be the one.

17 A 7? Okay.

18 Q Or Complainant Confidential 10.

19 A I've got 9. Is that 7? Well, in general -- I
20 don't see 7 in front of me but in general, the
21 top chart is the billing history in dollars, and
22 the one I'm looking at runs from July to August
23 for -- before you. You got it? Okay. The
24 original. (Handed) So this one runs from July to

1 August. And the dollar range is from 0 to 800 on
2 a wide axis, and the X axis is obviously months.
3 The consumption in gallons is on the bottom and
4 it ranges from 0 to 70,000 gallons from July to
5 August as well.

6 Q So we don't see -- so when we look at these, a
7 customer looking at just one bill and trying to
8 get a snapshot of dollars, the top, the
9 historical billing and history in dollars doesn't
10 show the usage, right?

11 A Well, the consumption is in -- so if you look at
12 for instance -- 7, yeah. So, roughly, if you
13 look at the July, the first column, roughly it
14 looks like close to \$200 for that July bill and
15 it looks like maybe close to a little under
16 20,000 gallons.

17 Q And so both -- both graphs --

18 A They're correlated.

19 Q Both graphs are historical?

20 A That's correct. They're correlated, yes.

21 COMMISSIONER BROWN-BLAND: All right. Thank
22 you. That's all I have.

23 EXAMINATION BY COMMISSIONER CLODFELTER:

24

1 Q Mr. Denton, I'm not going to talk about leaks
2 because we don't know anything about leaks, but I
3 do want to ask you a couple of questions. Quite
4 obviously, we know that if there's an undetected
5 leak on Mr. Calhoun's property, it's not due to
6 any in-door appliances because it would then be
7 continuing after August and still show high bills
8 in September, October, November, December. It's
9 undetected.

10 A Well, that's correct.

11 Q I mean, to show up as high water bills in the
12 fall and winter months too. We don't see that.

13 A Right.

14 Q So it's seasonal. If there's a leak, it's
15 seasonal. We know it's not his pool because the
16 pool's not even connected to your system. It's
17 not his pool. That leaves the irrigation system.
18 And I appreciate hearing about your experience
19 with an irrigation system. Unfortunately, I
20 don't have one, so I don't worry about that. But
21 there'd be a way to test whether he had an
22 undetected leak in the irrigation system, would
23 there not?

24 A There would be.

1 Q You can turn it on and see if the meter readings
2 go up and the bills go up.

3 A Yep.

4 Q Does the Company ever work with a customer to
5 sort of explore that and say no, no consequences,
6 we won't charge you for this. This is like --
7 this is like the non-revenue water you do when
8 you flush the system.

9 A Right.

10 Q You've got non-revenue water. We'll treat this
11 as non-revenue water. We want you to run a test
12 on the irrigation system and see if the meter
13 reading goes up. Does the Company ever do that?

14 A Yeah. I've done that in the past, yes.

15 Q Have you ever discussed that with Mr. Calhoun?

16 A We tried to work with Mr. Calhoun early on about
17 saying we believe there's a leak, and he was
18 adamant that he did not have a leak.

19 Q Well, but if he were to say yes, well, run a test
20 on an assumption that you're not going to bill me
21 for it and test this without running a test --

22 A Without question, we would, absolutely.

23 Q -- you'd do it.

24 A We would. Absolutely.

1 Q Okay. That's all I'm going to say about leaks.

2 A Okay.

3 Q I want to ask about a completely different topic,
4 okay. So if I read your affidavit right, up
5 until -- and I forget the date, but your
6 affidavit shows. It's either August 9th or
7 August 10th. Mr. Calhoun had an analog meter.

8 A I believe that's right.

9 Q And the high bill months that he's complaining
10 about are for usage in May, June, July, and to
11 the reading time in August. So --

12 A That's correct.

13 Q So all that time, he had an analog meter.

14 A That's correct.

15 Q And so all of this about reading the AMI meter
16 and the AMR meter, that postdates?

17 A We did have a couple of -- in the data. We did
18 have some AMR data that showed late at night,
19 some -- and early in the morning some
20 higher-than-normal usage.

21 Q After August the 9th?

22 A I believe it was -- I believe so, yes.

23 Q And we won't go into it line by line right now,
24 but that's in the documents?

1 A It is.

2 Q I can look at it --

3 A Absolutely, yes.

4 Q Okay, great. Thank you. But up to that point --

5 A Yeah. It was an analog meter.

6 Q Analog meter. And analog meters are read
7 manually?

8 A Correct.

9 Q And Carolina Water doesn't do the reading, do
10 they?

11 A I don't know if we subcontract meter reader up
12 here or not.

13 Q The Cavanaugh report says it's for three
14 systems -- this is Exhibit 1 --

15 A Yep.

16 Q -- to your affidavit. But the Cavanaugh report
17 says the three systems that we're talking about
18 here --

19 A Subcontractor.

20 Q -- are read by a third-party contractor.

21 A Okay.

22 Q Who is the third-party contractor?

23 A I don't know. Subject -- we can find out and get
24 that to you.

1 Q Was there a change in the Company that did meter
2 readings in 2022?

3 A Not to my knowledge.

4 Q You don't have a recollection of that being the
5 case?

6 A No, sir.

7 Q Your third-party contractor for meter reading, is
8 that -- are they localized or is that system-wide
9 for the State of North Carolina or for regions?

10 A It would be regional.

11 Q It would be regional?

12 A Yes.

13 Q So if you went to the western region --

14 A It's probably more localized than that.

15 Q More localized than that. It might just be for
16 the Mooresville/Charlotte area?

17 A Right.

18 Q And the first meter that was on Mr. Calhoun's
19 property, when he first noticed the leaks on the
20 Company's side of the meter, according to your
21 affidavit, that meter had been relocated or it
22 had sunk?

23 A Well, the setter, apparently -- and we can have
24 one of our experts discuss this, but the meter

1 set was twisted or -- but on our side of the
2 meter, the coupling wasn't connected all the way,
3 so it was leaking on our side of the meter.

4 Q Would that make the meter harder to read?

5 A Um, it shouldn't. Meter boxes get filled with
6 water all the time. And so they've got ways of
7 evacuating those meter boxes and recyclizes in
8 ways of reading the meter full of water.

9 Q If it gets filled up with water, that might also
10 draw in or dissolve dirt and debris and cover the
11 meter?

12 A It's possible.

13 Q But that's not something Carolina Water reads.
14 The third-party has to be able --

15 A The third-party reads that.

16 Q The third-party goes out there and the meter is
17 obscured. The third-party has to figure out how
18 to deal with that.

19 A That's correct.

20 Q Okay. As I read the Cavanaugh report, the manual
21 readings are entered into the handheld data
22 recorder?

23 A That's correct.

24 Q And then there should be some kind of alert, a

1 flag if the meter reading looks to be anomalous?

2 A That's correct.

3 Q Based on the customer's prior billing history.

4 Do you have the records of the meter readings on
5 that meter at Mr. Calhoun's property, from the
6 third-party company?

7 A We can produce those. I don't have them with me,
8 but we can produce them.

9 Q They should -- in other words, if they had seen
10 an anomaly in the meter reading, that should have
11 been flagged in their data.

12 A Well, it should have been flagged. That data and
13 then also in the billing system. We have a
14 billing system that flags anomalies as well. And
15 what happens is part of that is there's a field
16 activity that's established, and they then -- we
17 have to go reread the meter and verify the meter.

18 Q So your billing flags are independent of the
19 meter reader flags, if I can say it in a crude
20 way?

21 A That's correct.

22 Q Their readings, they flag them in their records?

23 A They see what -- that's correct.

24 Q And when you get the bill, you flag the high bill

1 in your records?

2 A When it's uploaded in the system.

3 Q Independent systems.

4 A Correct.

5 Q So even if the meter reader has not -- has
6 overridden the flag or has not paid attention to
7 an alert, you may still catch it in billing
8 system?

9 A The billing system should catch it, that's
10 correct.

11 Q So I'd also be interested in seeing what your
12 billing system was showing you during the period
13 of time.

14 A Okay.

15 Q What action does the Company take when it sees
16 the high flag on the billing system?

17 A So there's what we call a field activity. Then,
18 the operations team is then responsible to
19 reverify the meter flow data.

20 Q And did that trigger any of the contacts with
21 Mr. Calhoun in this case or were all the contacts
22 triggered by cause for Mr. Calhoun?

23 A Well, I think that there -- I know that Mr. Knopf
24 has been out to the property a number of times,

1 both from the standpoint of replacing the meters,
2 reading the existing meters, and then reading the
3 AMR meter recently, and has had a number of
4 conversations with Mr. Calhoun.

5 Q I think what I'm trying to discover here is
6 whether your internal systems to say alert,
7 alert, I've got a very high bill here, whether
8 those were triggering the contacts and the visits
9 to the property or whether it was all responsive
10 to contacts from Mr. Calhoun. That's what I'm
11 trying to find out.

12 A We can provide that information. I don't --

13 Q I'd be very interested in that.

14 A Okay. We can do that, definitely.

15 COMMISSIONER KEMERAIT: Commissioner
16 Clodfelter, you want to make clear that you're
17 requesting late-filed exhibits?

18 COMMISSIONER CLODFELTER: I am, indeed, yes.
19 I think they know I want an exhibit in this.

20 MS. SANFORD: I want to clarify. And for
21 the meter read reports as well as the billing?

22 COMMISSIONER CLODFELTER: Correct. And I
23 understand the meter read reports will have to come
24 from your third-party contract.

1 MS. SANFORD: Right. Right.

2 BY COMMISSIONER CLODFELTER:

3 Q The Cavanaugh report says that if the meter
4 reader can't make an accurate reading, then an
5 estimate is generated.

6 A That's correct.

7 Q Tell me about how that process works. So if the
8 meter is obstructed by debris or dirt or water
9 that's gotten in there and the meter reader can't
10 read it, how is the estimate conducted on that?

11 A My understanding is it's conducted based on
12 historical usage. It's up loaded into the system
13 as an estimate, and so it actually shows up in
14 the billing system as an estimate.

15 Q Of that individual customer's historical usage,
16 not some average across the system?

17 A That's my understanding. I can verify that --

18 Q Can we confirm that?

19 A I can confirm that and put it in a late filing,
20 absolutely.

21 COMMISSIONER CLODFELTER: Ms. Sanford, I
22 think for clarify, I'm looking at page 1 of the
23 Cavanaugh report and I'm almost -- the second
24 paragraph up above the heading titled "Meter Audit"

1 and the Cavanaugh report says that "The billing
2 software generates an exception report and billing
3 technicians review the customer's previous consumption
4 history to either clear the exception or generate a
5 work order. All bills are reviewed prior to release."
6 I just want to see the file on what happened in
7 Mr. Calhoun's case.

8 MS. SANFORD: Okay. Thank you.

9 COMMISSIONER CLODFELTER: And I think that's
10 probably all I've got.

11 COMMISSIONER KEMERAIT: Commissioner
12 Brown-Bland has some additional questions.

13 THE WITNESS: Okay.

14 EXAMINATION BY COMMISSIONER BROWN-BLAND:

15 Q Just one that I meant that I neglected to ask.
16 So in your summary this morning, you said the
17 Company is unwilling to make further financial
18 accommodations to the Complainant based on his
19 high bill, his unsubstantiated high bill claims.
20 Just a question for you. Does that mean that you
21 would no longer accommodate the \$650 that you
22 offered two times now?

23 A Well, I feel we've offered it twice. Mr. Calhoun
24 rejected it both times. At this point, I feel

1 like we've had to come to, you know, this point
2 and litigate this. We obviously want to work
3 with our customers. We want to find solutions
4 that work for them. We spent a lot of time and
5 effort and money on this particular case. And if
6 there is future opportunity to work with
7 Mr. Calhoun, we would welcome that conversation,
8 but I think the \$650 right now, as I stated in my
9 initial, is off the table until we can determine
10 again now if there's a leak. And I think it's
11 back to the formal process we have in place which
12 is a leak credit, which is on the customer to
13 prove that they actually have a leak and they're
14 not consuming the water.

15 COMMISSIONER BROWN-BLAND: Thank you.

16 EXAMINATION BY COMMISSIONER CLODFELTER:

17 Q But just to confirm, you are willing to incur the
18 financial cost of running a test?

19 A Absolutely.

20 Q Which Mr. Calhoun doesn't have to pay for the
21 water?

22 A Yes.

23 Q But you discover where the leak might be, in the
24 irrigation system. Again, I don't think there's

1 any evidence of a leak anywhere else, but you are
2 willing run that experiment?

3 A Absolutely.

4 Q At no cost to Mr. Calhoun?

5 A Yes.

6 Q And then if it discovers an underground leak,
7 like you had in your irrigation system, he could
8 get a leak credit?

9 A That's correct.

10 Q Okay. I just wanted to confirm that. Again, we
11 won't go into the long story, but I want to ask
12 you this question. Do you know where the nearest
13 fire hydrant is to Mr. Calhoun's property?

14 A I do not.

15 Q Does Carolina Water install and maintain the fire
16 hydrants?

17 A Well, we have -- subject to check here, I believe
18 we do. We also have flushing of the system. We
19 have flushing hydrants that we flush the system
20 out, yeah.

21 Q Okay. So I'll take that subject to check, but I
22 think it's being checked with some nods and --

23 A Okay. And my guess is they're probably back
24 there saying yes.

1 Q Yes.

2 COMMISSIONER CLODFELTER: That's all. Thank
3 you.

4 COMMISSIONER KEMERAIT: Mr. Calhoun, do you
5 have questions of Mr. Denton based specifically on
6 Commissioner's questions?

7 MR. CALHOUN: Yes.

8 EXAMINATION BY MR. CALHOUN:

9 Q To my knowledge, I've never been offered anyone
10 to come walk my yard and look for leaks. I've
11 never said no to it. I have no memory of anybody
12 ever offering that. Kenny Knopf, operations
13 person, came to our house and showed us that we
14 were using, I believe, 6 or 700 gallons of water
15 between the hours of 1:00 and 4:00 a.m., which
16 we're asleep. My family is my wife and a 10-year
17 old boy.

18 COMMISSIONER KEMERAIT: Mr. Calhoun, let's
19 back up for a minute to make it a little more clear.
20 You will have an opportunity for rebuttal evidence.

21 THE WITNESS: Okay.

22 COMMISSIONER KEMERAIT: Based upon, I
23 think -- what you're talking about now would be
24 rebuttal evidence. Do you have specific questions of

1 Mr. Denton based upon the questions that the
2 Commissioners just asked him?

3 MR. CALHOUN: Sure. Not at this time.

4 COMMISSIONER KEMERAIT: Okay. Ms. Sanford,
5 do you have any questions based upon Commission's
6 questions?

7 MS. SANFORD: Just a couple. Thank you.

8 EXAMINATION BY MS. SANFORD:

9 Q The questions I've looked at have been asked, but
10 Mr. Denton, there were questions and answers.
11 There was a conversation in which you talked
12 about having met with the HOA and the elected
13 representatives with Mr. Calhoun and with the
14 Public Staff. Is that correct?

15 A Two different meetings. We met with the elected
16 officials in Raleigh, with the Public Staff.
17 Mr. Junis was in attendance at that meeting, and
18 then we met with the HOA's. The Public Staff was
19 not in those meetings. They could not make those
20 meetings, that meeting, excuse me.

21 Q Has the Public Staff indicated to you that they
22 can test your consumption figures?

23 A No.

24 Q And did the Public Staff look into this matter by

1 way of an investigation?

2 A They did.

3 Q To your understanding.

4 MS. SANFORD: I have no further questions.
5 Thank you.

6 COMMISSIONER KEMERAIT: Okay. And
7 Ms. Sanford, for the record, I want to identify the
8 exhibits. And the way I have identified them, the way
9 that I've marked them for identification purposes --

10 MS. SANFORD: Okay.

11 COMMISSIONER KEMERAIT: -- is that we have
12 the affidavit of Donald H. Denton III that consists of
13 20 pages. Attached to the affidavit is Denton
14 Affidavit Exhibits 1 through 8 and then Denton
15 Affidavit Confidential Exhibits A and B.

16 MS. SANFORD: Correct.

17 COMMISSIONER KEMERAIT: And then, we also
18 have Denton Direct Exhibit 1 which is the updated
19 graph of seasonal usage pattern and bills. And then,
20 we have Denton Direct Exhibit 2 which is the
21 preinstallation meter test accuracy test results.

22 MS. SANFORD: Correct.

23 COMMISSIONER KEMERAIT: Is that the totality
24 of CWSNC's exhibits?

1 MS. SANFORD: Yes. I wish to -- and at the
2 proper time, I wish to move all this into evidence.
3 I'm not sure if that's now or at the end. But
4 actually, our Motion to Dismiss -- let me see. We
5 have a Response and the Motion to Dismiss, but I don't
6 know that that needs to be marked in this list. These
7 are all items that we wish to be included in evidence
8 in the record.

9 COMMISSIONER KEMERAIT: That is correct,
10 yes.

11 MS. SANFORD: And that is the totality of
12 our submission at this point.

13 COMMISSIONER KEMERAIT: Okay. So would you
14 like to make a motion for those exhibits?

15 MS. SANFORD: I will. I will move that the
16 Respondent's Motion to Dismiss, that the affidavit --
17 that the public exhibits, the two confidential
18 exhibits, and the last two exhibits, first introduced
19 today, marked Denton Direct 1 and 2 all be entered
20 into evidence.

21 COMMISSIONER KEMERAIT: Okay. Your motion
22 is allowed.

23 MS. SANFORD: Thank you.

24 (Whereupon, CWS Denton Affidavit,

1 Denton Affidavit Exhibits 1-8,
2 Denton Direct Exhibits 1 and 2,
3 and Denton Affidavit Confidential
4 Exhibits A and B are admitted
5 into evidence. Confidential filed
6 under seal)

7 COMMISSIONER KEMERAIT: Anything further at
8 this point, Ms. Sanford?

9 MS. SANFORD: No. Thank you.

10 COMMISSIONER KEMERAIT: Okay. Mr. Calhoun,
11 we're going to move to rebuttal evidence from you.
12 Would you like provide any rebuttal testimony?

13 MR. CALHOUN: Yes, and I'll keep it brief.

14 DONALD JAMES CALHOUN;
15 having been previously sworn,
16 testified as follows:

17 REBUTTAL STATEMENT BY THE WITNESS:

18 I lived in the same home for 10 years, had
19 no troubles up until this year. And then, we found
20 out, through our interactions, that there's no
21 recourse for any of the consumers. There's a
22 third-party outsourced customer service line, which is
23 a collections agency, that we call, which do not
24 provide any help whatsoever in terms of our issues.

1 We can call the Company, which we did. He comes out
2 and will adjust, do anything in terms of helping with
3 the matter.

4 We had the operations person to visit many
5 times, told us we have a teenager taking long showers.
6 We have -- we're up in the middle of the night using
7 water. All of these are falsehoods that are easily
8 proven. And then we get the oh, it was a leak. Well,
9 nobody ever brought that to our attention until we
10 filed this. So I had, on my own, had people come out
11 and look at this looking for leaks so we didn't have
12 another large bill, which we got the next month and
13 the next month. And once again, this is all of us,
14 not me. All of us had the same bills. You know,
15 different usage, different billing amounts, but this
16 is a large issue in our neighborhoods.

17 This has been talked about. I've talked to
18 the HOA. I've been in touch with the HOA. Everybody
19 is on the same page in terms of what we're doing. I'm
20 just asking, I guess, for the Commission and for CWS
21 what recourse do I have other than coming to a formal
22 hearing and trying to play lawyer and put all this
23 together. We've done nothing different in 10 years.
24 And all of a sudden, our bills went from \$70 to \$771,

1 to \$600 and something, to \$400 and something.

2 So what am I supposed to do? I have no
3 recourse other than Public Staff, then coming to a
4 formal hearing. So my ask of everybody is, is there a
5 simpler way to do this where I don't have to take a
6 hundred hours of my time to come and do all this for
7 everybody, and if there's any way that we can just
8 have a quick resolution and not fight at every turn in
9 terms of what's going on. It's obviously an anomaly.
10 We've had the same deal for 10 years and all of a
11 sudden, giant spikes here, but we can't get over that.
12 We can't get a resolution to that. So that is my ask,
13 and I have nothing further.

14 COMMISSIONER KEMERAIT: Okay. Ms. Sanford,
15 do you have any questions of Mr. Calhoun?

16 MS. SANFORD: Yes, I do, and briefly and
17 hopefully in conclusion, and perhaps Mr. Calhoun would
18 need to think about this. But my question is whether
19 Mr. Calhoun would be interested in and would cooperate
20 with, an effort on the part of the Company, to retain
21 somebody to come test your irrigation system.

22 THE WITNESS: Sure.

23 MS. SANFORD: Okay. And the Company
24 represents that it is willing to do that, and we would

1 proceed in a conversation with Mr. Calhoun to make
2 that happen.

3 COMMISSIONER CLODFELTER: At no cost to
4 Mr. Calhoun?

5 MS. SANFORD: At no cost to Mr. Calhoun.

6 COMMISSIONER KEMERAIT: So Ms. Sanford and
7 Mr. Calhoun, I think that with the understanding that
8 this test is going to be performed, will a report --
9 Ms. Sanford, will a report be prepared and provided to
10 Mr. Calhoun?

11 MS. SANFORD: Absolutely. And whatever
12 information was received from the investigating
13 entity, I don't who it is or what you call the people
14 who do that, but with the indication that of course
15 the results of that would be made available to
16 Mr. Calhoun and to the Commission.

17 And I will editorialize just slightly. The
18 Company, I think obviously, really wants to understand
19 what's happened here. And, I mean, that's obviously
20 off stated in this proceeding. And so it sounds like
21 this might be the way to get - at least a way,
22 hopefully the way - to get to the nub of it, at least
23 with respect to the irrigation system. And so
24 Mr. Denton has indicated, on behalf of the Company,

1 that they would be pleased to do that if, with the
2 cooperation of Mr. Calhoun, and certainly with a
3 report to be provided.

4 COMMISSIONER KEMERAIT: Okay. And
5 Ms. Sanford and Mr. Denton, do you have an idea of
6 about how long it would take to organize and perform
7 the test?

8 MR. DENTON: We can do it fairly quickly.
9 We could have our director of operations go out and
10 actually work directly with Mr. Calhoun in the next --
11 whatever's convenient for Mr. Calhoun.

12 COMMISSIONER KEMERAIT: Okay. So we'll talk
13 about this in a minute, but we would hold the record
14 open until we receive the report before -- and have it
15 admitted into the record before we issue any sort of
16 decision in the case. Do you have any --

17 MS. SANFORD: I'm so sorry about my side
18 bar. Let me say on the record, if I might, that
19 Mr. Denton informs me that -- I said I didn't know who
20 did this. He tells me that they can to it. That they
21 can do this internally or can do it by retaining
22 somebody else externally. It's quicker, he believes,
23 if they do it internally and then provide the report.
24 But I might as well say that here so that we could get

1 some sort of determination as to what works and not
2 have to come back for further consultation.

3 COMMISSIONER KEMERAIT: Mr. Calhoun, do you
4 have any objection to having a quicker result with
5 CWSNC performing the task and preparing the report
6 internally, with an opportunity for you to review the
7 report?

8 MR. CALHOUN: Sure. I would like to have my
9 person there as well at the same time, and I would
10 also like to remind everyone that our irrigation was
11 shut off in June. Our bills continued July and
12 August. So if there's a leak, it would have stopped.
13 We also were out of town. We had our water only
14 turned on so our neighbor could water the flowers, and
15 our bill, if we could read them, it went up two
16 gallons. And then all of a sudden, we come home and
17 we're getting \$900 a day or 900 gallons a day going
18 through our system, so, but I welcome anybody to come
19 out and test the irrigation, although that's one month
20 of what we're discussing.

21 COMMISSIONER KEMERAIT: Okay. Ms. Sanford,
22 do you have any additional questions of Mr. Calhoun?

23 MS. SANFORD: I do not. Thank you.

24 COMMISSIONER KEMERAIT: So to make it clear,

1 in regard to the test and the report, CWSNC will
2 perform it internally from the Company. Mr. Calhoun
3 will be present and he will have the opportunity to
4 bring his -- have his irrigation specialist present at
5 the time of the test so that it can be monitored and
6 observed as well. Are there any questions from the
7 Commission?

8 EXAMINATION BY COMMISSIONER BROWN-BLAND:

9 Q Mr. Calhoun, and this may be obvious but just to
10 be clear, do you have any reason to believe that
11 any other structure, other than your home, your
12 irrigation system, are connected to your meter?

13 A No.

14 Q All right. And also, just for clarity sake, you
15 are not a licensed attorney. Is that correct?

16 A Correct. Very far from it.

17 Q And do you have any other special expertise in
18 understanding water systems or --

19 A I do not. I'm just a customer.

20 COMMISSIONER BROWN-BLAND: All right. Thank
21 you.

22 COMMISSIONER KEMERAIT: Commissioner
23 Clodfelter?

24 COMMISSIONER CLODFELTER: No.

1 COMMISSIONER KEMERAIT: With that, I think
2 we've reached the end of the hearing. We are going to
3 allow both parties the opportunity to prepare briefs
4 and/or proposed orders. As I've mentioned before, if
5 either party does not want to or chooses not to
6 prepare a brief or a proposed order, it'll be at no
7 prejudice to that party.

8 The decision that the Commission will be
9 making will be based upon the evidence in the record.
10 The briefs and proposed orders will be due at the
11 later of the completion of the transcript or the later
12 of the time when all of the late-filed exhibits, which
13 would include the report, are filed with the
14 Commission. So 30 days of the later of those dates.
15 Are there any additional matters that we need to be
16 considered before adjourning the hearing?

17 MS. SANFORD: We have none. Thank you very
18 much.

19 MR. CALHOUN: Not on my end.

20 MS. SANFORD: And we thank you.

21 MR. CALHOUN: Thank you.

22 COMMISSIONER KEMERAIT: Thank you to both,
23 and the hearing is adjourned.


24 MR. CALHOUN: Thank you for coming.

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(Whereupon, the hearing is adjourned)

C E R T I F I C A T E

I, TONJA VINES, DO HEREBY CERTIFY that the proceedings in the above-captioned matter were taken before me, that I did report in stenographic shorthand the Proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.



Tonja Vines