

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-1230

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

|  |   |           |
|--|---|-----------|
| Application by Briar Chapel Utilities, LLC, for a Certificate of | ) | ORDER     |
| Public Convenience and Necessity to Provide Sewer Utility        | ) | DECLARING |
| Service in Briar Chapel Subdivision in Chatham County,           | ) | UTILITY   |
| North Carolina, and for Approval of Rates                        | ) | STATUS    |

BY THE COMMISSION: On April 14, 2004, Briar Chapel Utilities, LLC (Applicant), filed an application with the Commission for a certificate of public convenience and necessity to provide sewer utility service in Briar Chapel Subdivision in Orange County, North Carolina. The application requested that an Order Declaring Utility Status be issued in order to fulfill the filing requirements of the Division of Water Quality (DWQ) before DWQ will review and approve plans for the proposed sewer system.

The Commission is of the opinion that the request for an Order Declaring Utility Status should be approved.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant is declared a public utility with regards to its plans for the construction of the public sewer system serving Briar Chapel Subdivision in Chatham County, North Carolina, and as such, is subject to the jurisdiction of the North Carolina Utilities Commission.
2. That the Applicant is authorized to obtain such permits as may appropriately be issued by the Permit Section of DWQ.
3. That this Order shall not constitute any operating authority, certificate of public convenience and necessity, or finding by the Commission that the Applicant is the most feasible franchise holder for the above-referenced service area.

4. That the Applicant shall not acquire title to the public utility property in the above-referenced service area prior to issuance of a Certificate of Public Convenience and Necessity pursuant to G.S. 62-110.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of June, 2004

NORTH CAROLINA UTILITIES COMMISSION

*Gail L. Mount*

Gail L. Mount, Deputy Clerk

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