

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1320, SUB 0
DOCKET NO. W-1300, SUB 55
DOCKET NO. W-1320, SUB 2
DOCKET NO. W-661, SUB 9

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1320, Sub 0)
DOCKET NO. W-1300, Sub 55)

In the Matter of)
Application by ONSWC - Chatham North, LLC,)
4700 Homewood Court, Suite 108, Raleigh, North)
Carolina 27609, and Old North State Water Company)
LLC, 4700 Homewood Court, Suite 108, Raleigh,)
North Carolina 27609, for Authority to Transfer the)
Briar Chapel Subdivision Wastewater System and)
Franchise in Chatham County, North Carolina, and)
Approval of Rates)

DOCKET NO. W-1320, Sub 2)
DOCKET NO. W-661, Sub 9)

In the Matter of)
Application by ONSWC - Chatham North, LLC,)
4700 Homewood Court, Suite 108, Raleigh, North)
Carolina 27609, and Fitch Creations, Inc., d/b/a)
Farrington 2000 Farrington Village Center, Pittsboro)
North Carolina 27312, for Authority to Transfer the)
Farrington Village Wastewater System and)
Franchise in Chatham County, North Carolina, and)
Approval of Rates)

MOTION TO
RESCHEDULE
EVIDENTIARY
HEARING

NOW COMES THE PUBLIC STAFF through its Executive Director,
Christopher J. Ayers, and moves that the Commission reschedule the evidentiary
hearing scheduled for Tuesday, June 16, 2020, at 10:00 am, and schedule an
evidentiary hearing when available on the Commission's calendar, in September
2020, in order for the Public Staff and Intervenors to further investigate and prepare

testimony on the issues, and provide the opportunity for Old North State Water Company, LLC (Old North State) and ONSWC-Chatham North, LLC (Chatham North) to further develop and successfully implement procedures and operational modifications to resolve the customer service issues. In support of this motion, the Public Staff states:

1. On March 30, 2020, a Briar Chapel customer group, StopChathamNorth filed a petition to intervene. By Order dated April 13, 2020, the Commission approved the intervention of StopChathamNorth.

2. On March 30, 2020, the Briar Chapel Community Association, Inc. (BCCA), filed a petition to intervene. By Order dated April 13, 2020, the Commission approved the intervention of BCCA.

3. On May 7, 2020, the Fearington Village Homeowner's Association, Inc. filed a petition to intervene. The Commission to date has not acted upon that petition to intervene.

4. The Public Staff has spoken on a number of occasions with top management persons at the Division of Environmental Quality (DEQ) to obtain information on the applications and DEQ evaluation considerations and procedures for a number of key issues including but not limited to: the transfer of NPDES permits, the increase in the gallon per day capacity of a NPDES permit, wastewater system interconnections, the current permit compliance for the Briar Chapel and Fearington Village wastewater utility systems, and the expansion of the Briar Chapel wastewater treatment plant (WWTP). DEQ has advised the Public

Staff that DEQ would need approximately three weeks to provide the Public Staff the requested information. This information is essential to the Public Staff's evaluation as to whether the applied for transfers and the planned regional WWTP are in the public interest.

5. The Public Staff also needs additional time to evaluate other key issues in this transfer proceeding, whether the transfer of each wastewater utility system, the interconnection of the Briar Chapel and Fearington Village wastewater utility systems, and the creation of a regional wastewater treatment plant at Briar Chapel, are in the public interest.

6. The Commission's Order dated February 26, 2020, scheduled the evidentiary hearing for June 16, 2020, the filing of supplemental direct testimony by the Old North State Water Company, LLC (Old North State), ONSWC Chatham North, LLC (Chatham North) and Fitch Creations, Inc., d/b/a Fearington Utilities (FCI) on or before May 1, 2020. Chatham North did file on May 1, 2020, the supplemental direct testimonies of Michael J. Myers, John McDonald, and Lee Bowman.

7. The Commission's February 26, 2020, Order stated the Public Staff, and intervenors, if any, may file supplemental direct expert witness testimony on or before May 15, 2020, and that on or before May 29, 2020, Chatham North, Old North State, and FCI may file any supplemental rebuttal expert witness testimony.

8. The Public Staff requests that the Commission cancel the June 16, 2020 evidentiary hearing and cancel the filing of testimonies on May 15, 2020 and

May 29, 2020. The Public Staff respectfully request that if available on the Commission's calendar, that the evidentiary hearing be rescheduled for September 2020, with Old North State, Chatham North and FCI allowed to file additional supplemental testimony 45 days prior to the evidentiary hearing date, that the Public Staff and intervenors be allowed to file direct or supplemental direct testimony 30 days prior to the evidentiary hearing date, and allow Old North State, Chatham North and FCI be allowed to file supplemental rebuttal 15 days prior to the evidentiary hearing date.

9. The Public Staff considering the Commission's heavy continuing evidentiary hearing schedule in June, July, and probably into August, believes that a September 2020 evidentiary hearing date will allow Commissioners, Commission Staff and Public Staff a recuperative period the remaining balance of August.

10. The Public Staff is authorized to state that StopChathamNorth and BCCA agree with this motion, and Old North State, Chatham North, and FCI have stated they do not oppose it.

WHEREFORE, the Public Staff moves as follows:

1. That the June 16, 2020, scheduled evidentiary hearing be rescheduled for a date depending on the Commission calendar in September 2020.

2. That the Public Staff, the approved intervenors, Old North State, Chatham North, and Fitch Creations be permitted to continue conducting discovery prior to the rescheduled evidentiary hearing.

3. That the Commission order the pre-filing of the following supplemental testimony:

a. That Old North State, Chatham North, and FCI file supplemental direct testimony 45 days prior to the rescheduled evidentiary hearing;

b. That the Public Staff and interveners, if any, file direct or supplemental testimony 30 days prior to the rescheduled evidentiary hearing; and

c. That Old North State, Chatham North, and Fitch Creations file supplemental rebuttal testimony 15 days prior to the rescheduled evidentiary hearing.

Respectfully submitted, this the 13th day of May, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

David T. Drooz
Chief Counsel

Electronically submitted
/s/ William E. Grantmyre
Staff Attorney

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CERTIFICATE OF SERVICE

I this day served a copy of this Motion to Reschedule Hearing upon Dwight Allen, the attorney for Stop Chatham North, Nicholas Herman, the attorney for the Briar Chapel Community Association, Inc., Karen Kemerait, the attorney for Old North State Water Company LLC and ONSWC - Chatham North, Inc. and also on Fitch Creations d/b/a Fearrington Utilities by electronic delivery.

This the 13th day of May, 2020.

Electronically submitted
s/ William E. Grantmyre