

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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

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)

**PETITION
TO INTERVENE OF
FEARRINGTON
HOMEOWNERS
ASSOCIATION, INC.**

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 Fearington Utilities,)
2000 Fearington Village Center, Pittsboro,)
North Carolina 27312, for Authority to)
Transfer the Fearington Village Wastewater)
System and Franchise in Chatham County,)
North Carolina, and Approval of Rates)

Fearington Homeowner Association, Inc. (Petitioner), by and through its undersigned attorneys, respectfully requests that the North Carolina Utilities Commission (the Commission) allow it to intervene in the above-reference docket, pursuant to N.C.G.S. § 62-72 and Rule R1-19 of the Rules and Regulations of the Commission, and

grant Petitioner leave to participate fully as a party in these dockets. In support of this Petition, Petitioner shows the Commission the following:

1. Petitioner is an association of homeowners in the Fearington Village subdivision in Chatham County, North Carolina, organized as an incorporated non-profit association existing under the laws of the State of North Carolina.
2. Petitioner's post-office address is at 599 Fearington Post, Pittsboro, NC 27312.
3. Petitioner's representative in this proceeding, to whom all notices, pleadings and other documents related to this proceeding should be directed is

The Allen Law Offices, PLLC
Dwight W. Allen
Britton H. Allen
Brady W. Allen
4030 Wake Forest Rd, Suite 115
Raleigh, NC 27609
Telephone: (919)-838-5175
Brady.Allen@theallenlawoffices.com

4. Petitioner's membership includes all residents of Fearington Village. Almost 1400 are residential customers of Fitch Creations, Inc. d/b/a/ Fearington Utilities ("FCI"), which is the current owner of the Fearington Village wastewater system.
5. Petitioner agrees to accept electronic service of all filings in the Docket.
6. On January 21, 2020, the Commission issued an Order Cancelling Hearing in the above-referenced dockets to allow further investigation by the Public Staff and other intervenors.
7. The Petitioner's members use wastewater treatment services provided by FCI through the Fearington Village Subdivision wastewater utility system.

8. ONSWC-Chatham North, LLC (“Chatham North”) has entered an agreement with FCI under which Chatham North is seeking to purchase the Fearington Village wastewater treatment system. This purchase could affect rates and service associated with the Fearington Village wastewater system. Some of these potential rate impacts were not known until testimony was filed by Applicants on May 1, 2020, which noted possible changes to the Asset Purchase Agreement impacting potential charges to customers in Fearington Village.
9. Additionally, Chatham North proposes to construct a pump station to transport wastewater from Fearington Village to the Briar Chapel wastewater treatment plant (WWTP). On information and belief, Chatham North would seek to connect other customers in addition to customers from Fearington Village to the WWTP. In effect, Chatham North seeks to locate a regional wastewater treatment facility located in the Briar Chapel subdivision.
10. Petitioners are also concerned about negative impacts of constructing a force main that will go from the Village up to the next pumping station in the new Briar Chapel commercial district. Upon information and belief, the force main will plow through the 300-foot set aside that buffers the Fearington Village community from development adjacent to Highway 15-501. The force main could impact an environmentally sensitive area whose residents have private septic systems and will not benefit from the proposed projects if they are approved by the Commission. Moreover, pumping wastewater such a long distance and over hilly terrain could cause sewer breaks that could despoil the landscape and lead to odors and health issues. On information and belief, Briar

Chapel has frequently experienced such issues and that facility is owned by Chatham North and operated by the same company that currently operates the system at Ferrington Village.

11. This transfer could also adversely affect rates of the Petitioner's members. Chatham North appears to have done little analysis on the cost of replacing the current facility serving Ferrington Village and, on information and belief, Petitioner believes that the cost of replacing their current facility should be significantly less than the costs to construct the larger system proposed by Chatham North. .
12. As such, Petitioner and its members have a keen in interest in the subject matter of these proceedings to ensure an adequate, safe and quality supply of services at a reasonable price.
13. On February 26, 2020, the Commission issued an Order Rescheduling Hearing and Establishing Deadlines for Prefiling Testimony. The Order has scheduled an evidentiary hearing to begin on June 16, 2020, at 10:00 a.m. The Order also allows for intervenors to file supplemental direct expert witness testimony on May 15, 2020.

WHEREFORE, Petitioner respectfully requests that the Commission enter an order allowing Petitioner to intervene and fully participate in the above-captioned proceeding, including the right to discovery, and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

Respectfully submitted, this 7th day of May, 2020.

ALLEN LAW OFFICES, PLLC

Dwight W. Allen
Britton H. Allen
Brady W. Allen

By: /s/ Brady W Allen
Brady W. Allen
4030 Wake Forest Rd, Suite 115
Raleigh, NC 27609
dallen@theallenlawoffices.com
bhallen@theallenlawoffices.com
brady.allen@theallenlawoffices.com

*Attorneys for Fearrington Village
Homeowners Association, Inc.*

**NORTH CAROLINA
CHATHAM COUNTY**

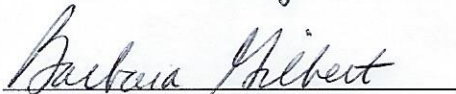
VERIFICATION

The undersigned, Rose Krasnow, being first duly sworn, deposes and says that she is the Vice President of Fearington Homeowners Association, Inc., and that she has read the foregoing Petition to Intervene; that to her personal knowledge, the matters stated therein are true and correct, except for those matters stated upon information and belief, and as to those, she believes them to be true and that she is authorized to sign this Petition on behalf of Fearington Homeowners Association.

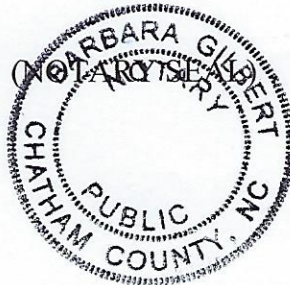


Rose Krasnow
Vice President
Fearington Homeowners Association, Inc.

Sworn to and subscribed before me
this 7th day of May 2020.


Notary Public

My Commission Expires: 6/5/2022



CERTIFICATE OF SERVICE

I certify that on this day true and exact copies of the foregoing Petition to Intervene were served by depositing same in the United States Mail, first class postage prepaid, or via electronic mail delivery, addressed to counsel of record for all parties to this docket.

This the 7th day of May, 2020.

ALLEN LAW OFFICES, PLLC

By: /s/ Brady W Allen
Brady W. Allen