



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

August 23, 2023

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket Nos. W-1259, Sub 5 and W-1328, Sub 6 – Application for Transfer of Public Utility Franchise from Meadowlands Development, LLC, to Red Bird Water and for Approval of Rates

Dear Ms. Dunston:

Red Bird Utility Operating Company, LLC d/b/a Red Bird Water filed additional information in the aforementioned docket on August 16, 2023, in response to the letter filed by the Public Staff on August 14, 2023. The Public Staff has reviewed the filing and states as follows:

On August 7, 2023, Red Bird Water filed a response to the Public Staff's letter of July 25, 2023, identifying deficiencies in the transfer application filed by Red Bird Water and Meadowlands Development, LLC. Red Bird Water included with its response Attachment P, which is a list of fee interests and easements. Item 3 listed on Attachment P is "Tract 3 (Lift Station) – owned by Meadowlands Homeowners Association, Inc. in fee; Buyer will obtain an easement interest at closing[.]"

On August 14, 2023, the Public Staff filed a letter stating that, in its opinion, the transfer application is still incomplete because Red Bird Water did not provide deeds or other documents recorded with the Davidson County Register of Deeds showing the seller's ownership of the real property listed on Attachment P.

On August 17, 2023, Red Bird Water filed a response to the Public Staff's letter. The response included a Deed of Easement from Meadowlands Homeowners Association, Inc., as grantor, to Meadowlands Golf, LLC as grantee.

As stated in the Public Staff's letter of July 25, 2023, Exhibit 4 on the Application Form Exhibits list requires a copy of exhibits showing that the seller has ownership of all

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Ms. A. Shonta Dunston, Chief Clerk
Page Two
August 23, 2023

property necessary to operate the utility. It is the Public Staff's opinion that the application remains incomplete because Attachment P and the Deed of Easement filed by Red Bird Water in response to the Public Staff's deficiency letters show that the seller does not have ownership of one of the lift stations required for provision of sewer service. Further, Red Bird Water has not provided a contract or other appropriate documentation showing that Meadowlands Homeowners Association, Inc. will grant Red Bird Water an easement interest at closing.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Electronically submitted
/s/ Megan Jost
Staff Attorney
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cc: Parties of Record