



434 Fayetteville Street  
Suite 2800  
Raleigh, NC 27601  
☎ 919.755.8700 📠 919.755.8800  
www.foxrothschild.com

DAVID T. DROOZ  
Direct No: 919.719.1258  
Email: DDrooz@FoxRothschild.com

March 15, 2024

Ms. A. Shonta Dunston  
Chief Clerk  
NC Utilities Commission  
430 N. Salisbury Street  
Room 5063  
Raleigh, NC 27603

**Re: In the Matter of Application of Aqua North Carolina, Inc. for a Certificate of Public Convenience and Necessity to Provide Water Utility Service to Gardner Farms in Wake County, North Carolina and for Approval of Rates**  
**NCUC Docket No. W-218 Sub 553**  
***Joint Motion to Cancel Hearing***

Dear Ms. Dunston:

Attached for filing in the above referenced docket, on behalf of Aqua North Carolina, Inc. ("Aqua") and the NC Public Staff, is a Joint Motion to Cancel Hearing in the above referenced matter.

If you should have any questions regarding this filing, please do not hesitate to contact me.  
Thank you.

Sincerely,

*/s/ David T. Drooz*

David T. Drooz

pbb  
Enclosure  
Copy to Parties and Counsel of Record

A Pennsylvania Limited Liability Partnership

156419791 - 3/15/2024 1:09:20 PM  
California Colorado Delaware District of Columbia Florida Georgia Illinois Massachusetts Minnesota Missouri  
Nevada New Jersey New York North Carolina Oklahoma Pennsylvania South Carolina Texas Washington

OFFICIAL COPY

Mar 15 2024

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-218, SUB 553

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Aqua, North	)	
Carolina, Inc., for a Certificate of	)	
Public Convenience and	)	JOINT MOTION
Necessity to Provide Water Utility	)	TO
Service to Gardner Farms in	)	CANCEL HEARING
Wake County, North Carolina	)	
and for Approval of Rates	)	

Aqua North Carolina, Inc. (Aqua), through counsel, and the Public Staff – North Carolina Utilities Commission (Public Staff), through its Executive Director, Christopher J. Ayers (collectively, the Parties), request that the North Carolina Utilities Commission (Commission) cancel the hearing scheduled for this matter and cancel all pending deadlines for prefiled testimony. In support of this Joint Motion, the Parties show the following:

1. Aqua filed its application for a certificate of public convenience and necessity (CPCN) and approval of rates in the above-captioned docket on July 28, 2022. In response to a Public Staff letter and Commission order, Aqua filed an Amended Application on January 31, 2024. In response to a second Public Staff deficiency letter, and Commission order, Aqua filed page 4 of the CPCN Application Form on February 14, 2024.

2. On February 23, 2024, the Commission issued an Order Finding Application Complete and Requiring the Public Staff to Provide Specific Application Data. On March 1, 2024, the Public Staff filed a Letter in response to the February 23, 2024, Order and provided the requested additional information.

3. On March 5, 2024, the Commission issued an Order Scheduling Hearing and Establishing Discovery Guidelines.

4. The Commission's Scheduling Order issued on March 5, 2024, provides that Aqua's prefiled direct testimony shall be filed by April 5, 2024; that the Public Staff and other intervenors' prefiled direct testimony shall be filed by April 22, 2024; and Aqua's prefiled rebuttal testimony, if any, shall be filed by May 6, 2024.

5. An expert witness hearing is scheduled for May 20, 2024. No customer hearing has been scheduled. To date there is no intervention; the only parties in this docket are the Public Staff and Aqua. Neither the Company nor the Public Staff have information indicating there might be an intervention by any other party.

6. The Parties have reached agreement to recommend approval of the CPCN Application.

7. Because the Parties have agreed to recommend approval of the application, there are no issues to be resolved through presentation of prefiled expert witness testimony.

8. The verified CPCN Application, as amended, provides a factual background sufficient to support an order without expert witness testimony.

9. The Public Staff plans to present this matter on the agenda for a Regular Staff Conference in lieu of hearing. Accordingly, there is no need for further prefiled testimony or a hearing.

10. Excusal of the Parties from the requirement to prefile any further expert witness testimony will serve administrative efficiency, save time, and save cost.

11. In the unlikely event that another party does intervene by the April 22, 2024, deadline and files testimony, then the Commission can direct Aqua to prefile rebuttal testimony by May 6, 2024.

WHEREFORE, the Parties move that the Commission issue an order that cancels the hearing scheduled for May 20, 2024, and cancels the requirement for any further prefiled testimony, subject to change if intervenor testimony is filed by April 22, 2024.

Respectfully submitted, this the 15<sup>th</sup> day of March, 2024.

**Electronically Submitted**

**/s/ David T. Drooz**

David T. Drooz  
State Bar No. 10310  
FOX ROTHSCHILD, LLP  
434 Fayetteville Street  
Suite 2800  
Raleigh, North Carolina 27601-2943  
T: 919-719-1258  
E-mail: [ddrooz@foxrothschild.com](mailto:ddrooz@foxrothschild.com)

**Attorney for  
Aqua North Carolina, Inc.**

**/s/ Megan Jost**

Staff Attorney  
Public Staff – N.C. Utilities Commission  
430 N. Salisbury Street, Suite 5060  
4326 Mail Service Center  
Raleigh, NC 27699-4300  
E-mail: [Megan.Jost@psncuc.nc.gov](mailto:Megan.Jost@psncuc.nc.gov)

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing JOINT MOTION TO CANCEL HEARING, filed by Aqua North Carolina, Inc. in Docket No. W-218, Sub 553, has been served on each of the parties of record in this proceeding or their legal counsel by email / electronic transmission or by deposit of same in the U. S. Mail, postage prepaid.

This the 15th day of March, 2024.

#### **Electronically Submitted**

/s/ David Drooz  
North Carolina State Bar No. 10310  
Fox Rothschild, LLP  
434 Fayetteville Street, Suite 2800  
Raleigh, North Carolina 27601-2943  
Telephone: (919) 719-1258  
Email: [ddrooz@foxrothschild.com](mailto:ddrooz@foxrothschild.com)