

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1328, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application by Red Bird Utility Operating)
Company, LLC d/b/a Red Bird Water for)
a Certificate of Public Convenience and)
Necessity for Pine Mountain Lakes in)
Burke County, North Carolina, and)
Approval of Rates)

**MOTION FOR EXTENSION OF
TIME TO FILE TESTIMONY**

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and hereby respectfully moves the North Carolina Utilities Commission (Commission) to extend the time for the Public Staff to file its prefiled direct testimony to Wednesday, February 28, 2024, and for Red Bird to file its rebuttal testimony to March 13, 2024. In support of this motion, the Public Staff shows as follows:

1. On September 30, 2021, Red Bird Utility Operating Company, LLC d/b/a Red Bird Water (Red Bird) filed with the Commission an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates (Application) seeking to provide water and sewer utility service to Pine Mountain Lakes (Pine Mountain) in Burke County, North Carolina and approval of rates.

2. The Pine Mountain systems serve 131 customers in total, including 95 residential water customers, two commercial water and sewer customers (a motel and a restaurant), and 34 sewer customers, and is currently not regulated by the Commission.

3. Following Red Bird's filing of supplemental material to address deficiencies identified by the Public Staff in its deficiency letter of November 2, 2023, the Commission determined that the Application was complete and, on January 16, 2024, issued a Scheduling Order which, among other things, provides that the Public Staff's prefiled direct testimony and exhibits shall be filed on or before Monday, February 26, 2024.

4. Subsequent to the filing of Red Bird's Application in this docket, the parties have engaged in substantial discovery regarding the matters addressed in the Company's Application, supplemental and additional materials filed in support of the Application, and in the Direct Testimony of Red Bird witness Josiah Cox.

5. Since the filing of Red Bird's prefiled testimony and exhibits, the Public Staff has conducted additional discovery. The parties now intend to engage in settlement discussions to resolve certain issues in dispute in this docket, and the Public Staff believes that the additional time in which to file its prefiled direct testimony will allow the parties opportunity to resolve these issues.

6. The Public Staff therefore respectfully requests and moves that the Commission extend the deadline for the filing of Public Staff's prefiled direct testimony to Wednesday, February 28, 2024, and for Red Bird to file its rebuttal testimony to March 13, 2024.

7. The Public Staff has contacted Red Bird and is authorized to represent that it does not object to this Motion.

Respectfully submitted this 23rd day of February, 2024.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

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Electronically submitted
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 23rd day of February, 2024.

Electronically submitted
/s/ Megan Jost