

**Docket No.: W-1297, Sub 14**

MRT-1, LLC, successor in interest to PINNACLE BANK,

Complainant,

v.

HARKERS ISLAND SEWER COMPANY

This **Supplemental Reply to the Answer of Harkers Island Sewer Company** is hereby submitted out of an abundance of caution. On April 9, 2020, MRT-1, LLC filed a Motion to Substitute MRT-1, LLC as the Complainant named in the above-referenced proceeding. On October 21, 2019, the previously named Complainant, Pinnacle Bank, requested this matter be held open for a period of not less than six (6) months so that the matters complained of can be monitored by Complainant, the Commission, and the Public Staff. MRT-1, LLC, through counsel, hereby supplements the previously filed Reply.

- ( ) The relief offered in the Answer filed by Respondent is acceptable to me as Complainant, and I do not desire a public hearing in this proceeding.
- ( X ) The Answer filed by Respondent is not satisfactory to me as Complainant, and I hereby request a public hearing at which time I will present evidence in support of the Complaint.
- ( ) Although the Answer filed by Respondent is not completely satisfactory to me as Complainant, I do not request a hearing at this time. I do request that the Commission keep this docket open for at least six (6) months so that the matters complained of can be monitored by Complainant, the Commission, and the Public Staff.

As further explanation, MRT-1, LLC is the new record title owner of the parcel of real property at issue in the above-referenced proceeding. MRT-1, LLC has engaged with Harker's Island Sewer Company in good faith, and has been unable to come to a resolution. Harker's Island Sewer Company does not have capacity to provide sewer service to the James Creek Subdivision, now owned by MRT-1, LLC. Without sewer service, the James Creek Subdivision is unmarketable, undevelopable, and inalienable. MRT-1, LLC has the capability to construct a subdivision wastewater treatment system to service itself at a fraction of the cost being demanded by Harker's Island Sewer Company. MRT-1, LLC hereby requests a hearing on all issues raised in the Complaint so triable, including without limitation MRT-1's request that it be removed from Harker's Island Sewer Company's franchise territory.

The global pandemic commonly known as Covid-19 has placed MRT-1, LLC's (and counsel's) respective schedules and availability in a state of flux that may not be resolved for some time, but MRT-1, LLC is eager to work with the NCUC's hearing schedule such that these matters may be heard and resolved.

Signature of Counsel for MRT-1, LLC:

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353  
Attorney for MRT-1, LLC

THIS REPLY SHOULD BE RETURNED TO:

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4325

#### **CERTIFICATE OF SERVICE**

I certify that I have this day served a copy of the foregoing **SUPPLEMENTAL REPLY OF MRT-1, LLC TO RESPONDENT'S ANSWER TO COMPLAINT** on the parties of record by electronic mail or by United States first class mail, postage prepaid, properly addressed to the following:

I. CLARK WRIGHT, JR.  
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This the 9th day of April, 2020.

Electronically submitted

/s/ Andrew D. Irby, NCSB # 35353  
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