

**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)	ORDER EXCUSING
Company, LLC, d/b/a Red Bird Water, for a)	WITNESSES, ACCEPTING
Certificate of Public Convenience and)	TESTIMONY, CANCELING
Necessity to Provide Water and Wastewater)	EXPERT WITNESS HEARING,
Utility Service to the Pine Mountain Lakes)	AND REQUIRING PROPOSED
Subdivision in Burke County, North Carolina,)	ORDERS
and for Approval of Rates)	

BY THE PRESIDING COMMISSIONER: 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 the Pine Mountain Lakes Subdivision in Burke County, North Carolina. Red Bird proposes to serve 131 customers in total consisting of 95 residential water customers, 2 commercial water customers, and 34 sewer customers.

On January 16, 2024, as amended on January 22, 2024, the Commission issued an order scheduling, among other things, an expert witness hearing to begin at 2:00 p.m. on Wednesday, April 3, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

On March 4, 2024, Red Bird and the Public Staff (Stipulating Parties) filed a Settlement Agreement and Stipulation (Stipulation) with Settlement Testimony of Red Bird witness Josiah Cox, and Joint Settlement Testimony and Exhibits of Public Staff witnesses Meredith L. Strickland, Shashi M. Bhatta, and John R. Hinton.

On March 7, 2024, the Stipulating Parties filed a Joint Motion to Excuse Witnesses from Appearing at Hearing (Joint Motion) requesting that Red Bird witness Cox and Public Staff witnesses Stickland, Bhatta, and Hinton be excused from attending the expert witness hearing in this docket and that their prefiled testimony be entered into the record as if given orally from the stand and that their exhibits be admitted into evidence. Further, Red Bird moves that the Application and Revised Application along with the supplemental materials and attachments to those applications be admitted into evidence. In support of their Joint Motion, the Stipulating Parties state: (1) that the Stipulation resolves all contested issues in this matter; (2) that the Stipulating Parties agree that all prefiled testimony and exhibits of the Stipulating Parties may be received in evidence without objection; and (3) that each Stipulating Party waives all right to

cross examine all of the Stipulating Parties' witnesses with respect to prefiled testimony and exhibits. The Stipulating Parties also move that the Stipulation be admitted into evidence. Red Bird has reached out to the parties of record in these dockets and received no objection to the filing of the Joint Motion.

On March 13, 2024, the Commission issued an Order Requiring Additional Information with regard to certain aspects of the Stipulation. On March 15, 2024, the Stipulating Parties filed a Joint Response to those Questions.

Based on the Stipulating Parties' Joint Motion, all filings in the dockets, including the jointly filed Settlement Agreement and Stipulation, and the record as a whole, the Presiding Commissioner finds good cause to excuse all witnesses from testifying at the expert witness hearing and further, to receive into the record, the witness' prefiled testimony and exhibits, as well as the jointly filed Settlement Agreement and Stipulation.

The Presiding Commissioner also finds good cause to cancel the expert witness hearing and to require that Red Bird and the Public Staff file proposed orders, or a joint proposed order, on or before April 15, 2024.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant and the expert witnesses in this matter are excused from appearing and testifying at the hearing on Wednesday, April 3, 2024, and the witness' prefiled testimony, exhibits, Application and Revised Application along with the supplemental materials and attachments to those applications, jointly filed Settlement Agreement and Stipulation, and Joint Response to Order Requiring Additional Information with Public Staff Settlement Exhibit 1 are hereby admitted into evidence;

2. That the expert witness hearing previously scheduled for Wednesday, April 3, 2024, at 2:00 p.m. in Raleigh, North Carolina, is hereby cancelled; and

3. That the parties shall file proposed orders, or a joint proposed order, on or before April 15, 2024, and briefs by the same date, if they desire to file briefs.

ISSUED BY ORDER OF THE COMMISSION.

This the 19th day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Tamika D. Conyers, Deputy Clerk