

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. W-218, SUB 526

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Aqua North Carolina, Inc., )	
202 MacKenan Court, Cary, North Carolina )	MOTION OF THE PUBLIC
27511, for Authority to Adjust and Increase )	STAFF FOR LEAVE TO FILE
Rates for Water and Sewer Utility Service )	RESPONSE OUT OF TIME
in All Its Service Areas in North Carolina )	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) for leave to file out of time its response to the Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond Are Required Pursuant to G.S. 62-135 (Notice) filed by Aqua North Carolina, Inc. (Aqua or the Company), on November 23, 2020. In support of this motion, the Public Staff shows unto the Commission:

1. On October 26, 2020, the Commission entered its Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Granting Partial Rate Increase, and Requiring Customer Notice (Rate Case Order) in this docket.

2. Ordering Paragraph Nos. 26 and 27 of the Rate Case Order provide:

26. That Aqua NC shall refund all partial, temporary rates and charges in excess of the final rates and charges found to

be appropriate by the Commission, if any, in the Aqua NC Water, Aqua NC Sewer, and Brookwood Water Rate Divisions with interest at 10% compounded annually; [and]

27. That Aqua NC Shall file a refund plan for the excess partial, temporary rates and charges collected from the customers, if any, in the Aqua NC Water, Aqua NC Sewer, and Brookwood Water Rate Divisions within 30 days of the date of this Order and the Public Staff shall file a response to said refund plan no later than 60 days from the date of this Order[.]

3. On November 23, 2020, in response to Ordering Paragraph Nos. 26 and 27 of the Commission's Rate Case Order, Aqua filed its Notice stating, *inter alia*, that "the annual rate increases allowed by the Commission for each of Aqua's three Rate Divisions in the 2020 Rate Case Order which were subject to the interim rate increases were more than what the Company imposed and collected in its interim rates," and therefore, no refunds to customers were required.

4. The Public Staff reviewed Aqua's Notice shortly after it was filed and made an independent determination that no refunds to customers were required. However, the Public Staff failed to file a response stating the same by the deadline established in Ordering Paragraph No. 27 of the Rate Case Order.

5. The Response of the Public Staff to Aqua's Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond Are Required Pursuant to G.S. 62-135 (Response) is attached hereto.

6. The Public Staff contacted Aqua and the Attorney General's Office and is authorized to represent that neither party objects to the Public Staff's motion for leave to file the attached Response out of time.

WHEREFORE, the Public Staff moves:

1. That the attached Response of the Public Staff to Aqua's Notice That No Refunds of Commission-Authorized Temporary, Interim Rates Collected Under Bond Are Required Pursuant to G.S. 62-135 be accepted for filing; and
2. For such other and further relief as the Commission may deem just and proper.

This the 28th day of January, 2021.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Dianna W. Downey  
Chief Counsel

Electronically submitted  
/s/ Megan Jost  
Staff Attorney

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### **CERTIFICATE OF SERVICE**

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 28th day of January, 2021.

Electronically submitted  
/s/ Megan Jost

DOCKET NO. W-218, SUB 526

In the Matter of

Application by Aqua North Carolina, Inc.,	)	RESPONSE OF THE PUBLIC
202 MacKenan Court, Cary, North Carolina	)	STAFF TO AQUA'S NOTICE
27511, for Authority to Adjust and Increase	)	THAT NO REFUNDS OF
Rates for Water and Sewer Utility Service	)	COMMISSION-AUTHORIZED
in All Its Service Areas in North Carolina	)	TEMPORARY, INTERIM
	)	RATES COLLECTED UNDER
	)	BOND ARE REQUIRED
	)	PURSUANT TO G.S. 62-135

1. On October 26, 2020, the Commission entered its Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Granting Partial Rate Increase, and Requiring Customer Notice (Rate Case Order) in this docket.

26. That Aqua NC shall refund all partial, temporary rates and charges in excess of the final rates and charges found to be appropriate by the Commission, if any, in the Aqua NC

Water, Aqua NC Sewer, and Brookwood Water Rate Divisions with interest at 10% compounded annually; [and]

27. That Aqua NC Shall file a refund plan for the excess partial, temporary rates and charges collected from the customers, if any, in the Aqua NC Water, Aqua NC Sewer, and Brookwood Water Rate Divisions within 30 days of the date of this Order and the Public Staff shall file a response to said refund plan no later than 60 days from the date of this Order[.]

3. On November 23, 2020, in response to Ordering Paragraph Nos. 26 and 27 of the Rate Case Order, Aqua filed its Notice in which it concluded that no refunds of the temporary, interim rates collected by the Company pursuant to N.C. Gen. Stat. § 62-135 from July 30, 2020, to October 26, 2020, were required. In support of its conclusion, Aqua noted in its Notice and the Exhibit 1 thereto that the Commission approved increases in the Company's service revenues of \$1,986,987 for the Aqua Uniform Water Rate Division, \$818,429 for the Aqua Uniform Sewer Rate Division, and \$656,719 for the Brookwood Water Rate Division. Aqua further noted that these increases exceeded the service revenue increases resulting from the implementation of Aqua's proposed interim rates which were \$1,867,058 for Aqua Uniform Water, \$788,884 for Aqua Uniform Sewer, and \$627,167 for Brookwood Water.

4. The Public Staff has reviewed Aqua's Notice and Exhibit 1 thereto, including the supporting workpapers. In addition, the Public Staff performed an independent analysis of the schedules of interim and approved rates. Based on its review and analysis, the Public Staff agrees that no refunds of the temporary, interim rates collected by the Company are required.

WHEREFORE, the Public Staff requests that the Commission accept this filing in compliance with Ordering Paragraph No. 27 of its Order Approving Partial Settlement Agreement and Stipulation, Deciding Contested Issues, Granting Partial Rate Increase, and Requiring Customer Notice issued in this docket on October 26, 2020.

This the 28th day of January, 2021.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Dianna W. Downey  
Chief Counsel

Electronically submitted  
/s/ Megan Jost  
Staff Attorney

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I certify that I have served a copy of the foregoing Response on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 28th day of January, 2021.

Electronically submitted  
/s/ Megan Jost