

## DOCKET NO. W-354, SUB 364

## BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application by Carolina Water Service, Inc. of	)
North Carolina, 4044 Parkway Plaza Boulevard,	)
Suite 375, Charlotte, North Carolina 28217, for	)
Authority to Adjust and Increase Rates for	)
Water and Sewer Utility Service in All Service	)
Areas in North Carolina	)

MOTION TO EXCUSE  
WITNESSES BOSWELL,  
ELICEGUI, AND GRAY

**NOW COME** Carolina Water Service, Inc. of North Carolina (“CWSNC” or “Company”), by undersigned counsel, and the Public Staff, through its Chief Counsel, David Drooz, to respectfully request the Commission to enter an order excusing Public Staff witness Michelle Boswell and CWSNC witnesses Shawn Elicegui and Anthony Gray from appearing at the hearing in this matter, set to begin Monday, December 2, 2019 at 2:00 p.m.

In support of this Motion, CWSNC and the Public Staff (collectively, “Petitioners”) state the following:

- A. .On January 17, 2019, in Docket No. W-354, Sub 363, CWSNC filed a Petition for an Accounting Order to Defer Unplanned Incremental Hurricane Florence Storm Damage Expenses, Capital Investments, and Revenue Loss (“Petition”).
- B. On May 24, 2019, CWSNC gave 30-days’ notice of its intent to file a general rate case in Docket No. W-354, Sub 364.
- C. On June 6, 2019, the Commission issued an Order consolidating Docket Nos. W-354, Sub 363 and Sub 364.
- D. On June 28, 2019, CWSNC filed its Application for general rate relief in Docket No. W-354, Sub 364, including testimony by the following:

1. Catherine E. Heigel,<sup>1</sup> President of CWSNC, Tennessee Water Service, Inc., and Blue Granite Water Company;
  2. Dante M. DeStefano, Manager of Financial Planning and Analysis for CWSNC;
  3. .Gordon R. Barefoot,<sup>2</sup> President and CEO of Corix Infrastructure, Inc.;
  4. J. Bryce Mendenhall, Vice President of Operations for CWSNC, Tennessee Water Service, Inc., and Blue Granite Water Company;
  5. Anthony Gray, Senior Financial and Regulatory Analyst, CWSNC; and
  6. Dylan W. D'Ascendis, Director, ScottMadden, Inc..
- E. Also on June 28, 2019, CWSNC filed a Petition for Deferred Accounting Order to Defer Post-In-Service Depreciation and Financing Costs Relating to major new projects.
- F. On July 15, 2019 the Commission issued its Order Suspending Rates and Establishing a General Rate Case, and on August 2, 2019, the Commission issued an Order Scheduling Hearings and Requiring Customer Notice.
- G. Also on August 2, 2019, CWSNC witness DeStefano filed Supplemental Testimony, and on August 23, 2019, CWSNC filed an Amended Exhibit to his Supplemental Testimony.

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<sup>1</sup> On November 1, 2019, CWSNC filed notice that Donald H. Denton would adopt the pre-filed direct testimony of Catherine E. Heigel.

<sup>2</sup> On November 8, 2019, CWSNC filed notice that Shawn EliceGUI would adopt the pre-filed direct testimony of Gordon R. Barefoot.

- H. On August 22, 2019, Corolla Light Community Association (“CLCA”) filed a Motion to Intervene, and on September 5, 2019 the intervention was allowed by order of the Commission.
- I. Public hearings were held in Charlotte, Boone, Asheville, Raleigh and Jacksonville. They are concluded and CWSNC has filed timely, researched and detailed responses to concerns raised at the public hearings. The final response---addressing the Jacksonville hearing---was submitted on November 8, 2019.
- J. The Public Staff filed its direct testimony on November 4, 2019, consisting of testimony and exhibits sponsored by the following:
1. Gina Y. Casselberry, Utilities Engineer, Water, Sewer, and Telephone Division;
  2. Charles M. Junis, Utilities Engineer, Water, Sewer, and Telephone Division;
  3. Lindsey Q. Darden, Utilities Engineer, Water, Sewer, and Telephone Division;
  4. Windley E. Henry, Manager, Water, Sewer, and Telephone Section, Accounting Division;
  5. Michelle M. Boswell, Staff Accountant, Accounting Division;
  6. Lynn L. Feasel, Staff Accountant, Accounting Division; and
  7. John R. Hinton, Director, Economic Research Division.
- K. On November 15, 2019, the Public Staff filed Supplemental Testimony of Gina Y. Casselberry, addressing service quality and including response to the

Company's four filed responses to customer concerns raised at the five public hearings.

- L. On Monday, November 18, 2019, CWSNC filed a Motion for Extension of Time to File Rebuttal, to allow the Company a reasonable opportunity to review the Public Staff's Revised Exhibits for accounting witnesses Feasel and Henry, which were anticipated to be filed by close of business on the 18<sup>th</sup>.
- M. The Public Staff filed its Revised Exhibits for accounting witnesses Feasel and Henry on November 18, 2019.
- N. On Wednesday, November 20, 2019, the Company filed Rebuttal Testimony of Dante M. DeStefano, J. Bryce Mendenhall, and Dylan D'Ascendis.
- O. CWSNC and the Public Staff (a) continue to work on settlement opportunities and (b) are preparing a Joint Proposed Partial Settlement Agreement which they intend to file by Tuesday, November 26<sup>th</sup>.
- P. The agreements reached in settlement discussions, combined with the positions taken in testimony and exhibits already filed in this docket obviate the need for any examination by the Public Staff of witnesses Shawn Elicegui (who has adopted witness Barefoot's testimony) and witness Anthony Gray. Additionally, the same circumstances obviate the need for examination by the Company of Public Staff witness Michelle Boswell.
- Q. CWSNC and the Public Staff will mutually agree in the Stipulation of Partial Settlement to the entry of these named witnesses' testimony and exhibits into the record without objection, and to waive cross-examination of the other party's named witnesses.

- R. Therefore, CWSC and the Public Staff respectfully request that the Commission enter an Order excusing Mr. Elicegui, Mr. Gray, and Ms. Boswell from appearing at the evidentiary hearing and allowing their testimony and exhibits to be entered into the record as if given orally from the stand.
- S. Counsel for Intervenor Corolla Light Community Association has been consulted about this request, and does not oppose it.
- T. The Public Staff and CWSNC recognize that this request is contingent upon the Commission having no questions for the named witnesses. . The Company requests and would appreciate the Commission's expedited consideration of the request, so that witnesses Elicegui and Gray may make travel plans to attend if needed, but may avoid the expense if not.<sup>3</sup>
- U. All other CWSNC and Public Staff witnesses will attend the hearing and will be available to answer questions from the parties and the Commission. Specifically, Mr. Denton will be available at the hearing for questions from the Commission, if there are any. The Public Staff and CLCA have no questions of him, so (only) if the Commission knows in advance that it has none, the Company would request that he be excused as well, solely for the purpose of judicial economy.

**WHEREFORE**, CWSNC and the Public Staff respectfully request that the named witnesses be excused from the December 2, 2019, hearing, and that

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<sup>3</sup> Mr. Elicegui would need to travel from Nevada over a holiday weekend, so CWSNC would particularly appreciate an early decision so that he may make necessary arrangements.

their pre-filed testimony and exhibits be copied into the record and received into evidence as if given under oath and from the stand.

This the 21<sup>st</sup> day of November, 2019.

Electronically Submitted

s/Jo Anne Sanford  
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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that this day a copy of the foregoing **MOTION FOR ORDER EXCUSING WITNESS FROM HEARING** has been duly served by electronic mail, hand delivery and/or U.S. mail, postage prepaid to:

Gina C. Holt  
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Public Staff- North Carolina Utilities Commission  
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This, the 21<sup>st</sup> day of November, 2019.

Electronically Submitted  
s/Jo Anne Sanford

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