

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. W-1320, SUB 0
 DOCKET NO. W-1300, SUB 55
 DOCKET NO. W-1320, SUB 2
 DOCKET NO. W-661, SUB 9

DOCKET NO. W-1320, SUB 0)
 DOCKET NO. W-1300, SUB 55)

In the Matter of:)
 Application by ONSWC - Chatham North,)
 LLC, 4700 Homewood Court, Suite 108,)
 Raleigh, North Carolina 27609, and Old North)
 State Water Company, LLC, 4700 Homewood)
 Court, Suite 108, Raleigh, North Carolina)
 27609, for Authority to Transfer the Briar)
 Chapel Subdivision Wastewater System and)
 Franchise in Chatham County, North Carolina,)
 and Approval of Rates)

**PETITION
 TO INTERVENE OF
 STOPCHATHAMNORTH**

DOCKET NO. W-1320, SUB 2)
 DOCKET NO. W-661, SUB 9)

In the Matter of)
 Application by ONSWC - Chatham North,)
 LLC, 4700 Homewood Court, Suite 108,)
 Raleigh, North Carolina 27609, and Fitch)
 Creations, Inc., d/b/a Fearington Utilities,)
 2000 Fearington Village Center, Pittsboro,)
 North Carolina 27312, for Authority to)
 Transfer the Fearington Village Wastewater)
 System and Franchise in Chatham County,)
 North Carolina, and Approval of Rates)

StopChathamNorth (Petitioner), by and through its undersigned attorneys, respectfully requests that the North Carolina Utilities Commission (the Commission) allow it to intervene in the above-reference docket, pursuant to N.C.G.S. §59B-8, N.C.G.S. § 62-72 and Rule R1-19 of the Rules and Regulations of the Commission, and

grant Petitioner leave to participate fully as a party in these dockets. In support of this Petition, Petitioner shows the Commission the following:

1. Petitioner is a voluntary association of homeowners in the Briar Chapel subdivision in Chatham County, North Carolina, organized as an unincorporated non-profit association existing under the laws of the State of North Carolina. More than 1700 residents of Briar Chapel have signed a Petition supporting the organization.
2. Petitioner's post-office address is at 489 Cliffdale Road, Chapel Hill, NC 27615.
3. Petitioner's representative in this proceeding, to whom all notices, pleadings and other documents related to this proceeding should be directed is

The Allen Law Offices, PLLC

Dwight W. Allen

Britton H. Allen

Brady W. Allen

1514 Glenwood Ave, Suite 200

Raleigh, NC 27608

Telephone: (919)-838-5175

Brady.Allen@theallenlawoffices.com

4. Petitioner's membership includes residents of Briar Chapel. All of petitioner's members are customers of Old North State Water Company, LLC (Old North State).
5. Petitioner agrees to accept electronic service of all filings in the Docket.
6. On January 21, 2020, the Commission issued an Order Cancelling Hearing in the above-referenced dockets to allow further investigation by the Public Staff and other intervenors. The Order stated that the Briar Chapel Community Association (BCCA) informed that Public Staff that it had been attempting to

hire an attorney to represent it in this proceeding. The Order also stated that should the BCCA wish to become a party to this proceeding, it could file a petition to intervene.

7. While members of Petitioner are also members of the BCCA, they have been advised by the President of the BCCA Board that it has decided that it is unable to represent the individual residents of Briar Chapel in the matters pending before the Commission.
8. Therefore, residents of Briar Chapel have formed the unincorporated, non-profit association of StopChathamNorth to represent their members' interests at the Commission. Because the BCCA has chosen not to represent the interests of the individual residents of Briar Chapel, the residents will be without legal representation unless Petitioner's request for intervention is allowed.
9. The Petitioner's members use wastewater treatment services sold by Old North State through the Briar Chapel Subdivision wastewater utility system. Old North State has entered an agreement with Chatham North, LLC (Chatham North) under which Chatham North is seeking to purchase the Briar Chapel wastewater system. This purchase could affect rates associated with the Briar Chapel wastewater system and adversely impact what Petitioner's members already consider to be unsatisfactory wastewater treatment services.
10. Additionally, Chatham North plans to construct a pump station to pump wastewater from Fearington Village to the Briar Chapel wastewater treatment plant (WWTP). This transfer could also affect rates and services of the

Petitioner's members. On information and belief, Chatham North would seek to connect other customers in addition to customers from Fearington Village to the WWTP. Further, on information and belief, Petitioner is aware that another development is being planned that would include approximately 340,000 square feet of commercial development and approximately 540 apartments. The developer of this property has advised citizens that it plans to use the wastewater treatment facilities at Briar Chapel to service the new development. In effect, Chatham North seeks to locate a regional waste water treatment facility located in the Briar Chapel subdivision.

11. At the Public Hearing on January 14, 2020, a petition signed by 637 Briar Chapel customers was presented to the Commission requesting the Commission deny the transfer of the Fearington Village wastewater utility system to Chatham North, including the interconnection to the Briar Chapel WWTP, stating the current operating practices of Old North State present nuisances such as odors, sewer spillage, soil erosion and broken irrigation.
12. As such, Petitioner and its members have a keen interest in the subject matter of these proceedings to ensure an adequate, safe and quality supply of services at a reasonable price. The residents of Briar Chapel purchased their homes with the understanding that the Briar Chapel WWTP was dedicated exclusively to meeting the needs of the Briar Chapel residents.
13. On February 26, 2020, the Commission issued an Order Rescheduling Hearing and Establishing Deadlines for Prefiling Testimony. The Order has scheduled an evidentiary hearing to begin on June 16, 2020, at 10:00 a.m.

The Order also allows for intervenors to file supplemental direct expert witness testimony on May 15, 2020.

WHEREFORE, Petitioner respectfully requests that the Commission enter an order allowing Petitioner to intervene and fully participate in the above-captioned proceeding, including the right to discovery, and to otherwise exercise all statutory rights provided to Intervenors under North Carolina law.

Respectfully submitted, this 18th day of March, 2020.

ALLEN LAW OFFICES, PLLC

Dwight W. Allen
Britton H. Allen
Brady W. Allen

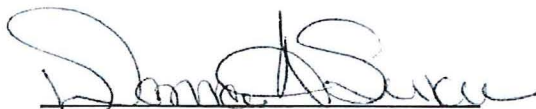
By: 
Brady W. Allen
1514 Glenwood Ave., Suite 200
Raleigh, NC 27608
Ph: 919-838-0529
dallen@theallenlawoffices.com
bhallen@theallenlawoffices.com
brady.allen@theallenlawoffices.com

Attorneys for STOPCHATHAM NORTH

**NORTH CAROLINA
CHATHAM COUNTY**

VERIFICATION

The undersigned, Donna Sukkar, being first duly sworn, deposes and says that she is the Steering Committee Leader of STOPCHATHAMNORTH, and that she has read the foregoing Petition to Intervene; that to her personal knowledge, the matters stated therein are true and correct, except for those matters stated upon information and belief, and as to those, she believes them to be true, and that she is authorized to sign this Petition on behalf of STOPCHATHAMNORTH.

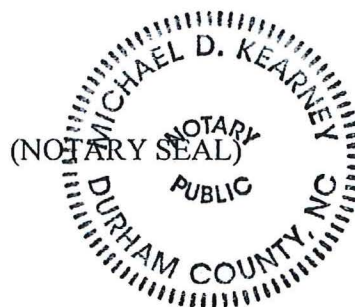


Donna Sukkar
Steering Committee Leader

Sworn to and subscribed before me
this 18 day of March 2020.


Notary Public

My Commission Expires: March 17, 2025




CERTIFICATE OF SERVICE

I certify that on this day true and exact copies of the foregoing Petition to Intervene were served by depositing same in the United States Mail, first class postage prepaid, or via electronic mail delivery, addressed to counsel of record for all parties to this docket.

This the 18th day of March, 2020.

ALLEN LAW OFFICES, PLLC

By:



Brady W. Allen