

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 1, 2008

IN RE:

PETITION OF SWIFTEL, LLC FOR A CCN TO PROVIDE
COMPETING LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN TENNESSEE

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DOCKET NO.
08-00141

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter came before the Hearing Officer upon a *Motion to Appear and Participate Telephonically at Hearing* (“*Motion for Electronic Participation*”) filed on behalf of Swiftel, LLC (“Swiftel” or “Applicant”) on September 30, 2008, requesting permission for company representatives, witnesses and counsel to participate telephonically in the Hearing on its *Application of Swiftel, LLC for a Certificate of Public Convenience and Necessity to Provide Competing Local Exchange Telecommunications Services* scheduled for Thursday, October 9, 2008 at 2:00 p.m. CST.

Tenn. Code Ann § 4-5-312 (c) (2004) addresses electronic participation at a hearing as follows:

(c) In the discretion of the administrative judge or hearing officer and agency members and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

In its *Motion for Electronic Participation*, Applicant asserts that personal attendance of company representatives, witnesses and counsel residing outside of the State of Tennessee would be burdensome. Further, Applicant acknowledges and agrees to comply with certain conditions for

telephonic participation, which are listed below. In accordance with the above-referenced statute, and considering that Applicant has made its request in a timely manner, the Hearing Officer hereby grants Applicant's request for company representatives and witnesses to participate telephonically in the Hearing noted above, conditioned upon the following:

1. The Applicant is solely responsible for, and shall be required to, secure a properly licensed Notary Public in good standing in the State or jurisdiction where the testimony is to be given, and who will physically appear with any company representative or witness who at the Hearing will be called telephonically to give live testimony or to ratify pre-filed testimony.
2. The Notary Public secured by the Applicant, as noted above, shall be duly authorized to administer the Oath, and shall do so during the Hearing and remain physically present with the witness at all times during the witness' testimony until such witness is excused from examination by the Hearing Officer.
3. Following the conclusion of the Hearing, the Notary Public shall prepare and sign an Affidavit, affirming the proven identity of the witness, the fact that such person was sworn by the Notary Public, and that the testimony given by the sworn witness was in accordance with the highest ethical and legal standards as observed by the Notary Public. The Affidavit shall bear the official seal of the signing Notary Public, and the testifying witness shall also be required to sign a conforming Witness Certification. (A sample form, *Witness Certification and Notary Public Affidavit*, is attached as Exhibit A as a courtesy.)
4. The Affidavit described above must be post-marked within five (5) days of the Hearing and received by the Hearing Officer via postage-paid U.S. Mail. In the

event that a proper Affidavit containing the affirmations noted above fails to be produced to the Hearing Officer as set forth herein, the testimony of the witness shall be struck from the record, and may constitute grounds sufficient for denial of the application.

Applicant's request for electronic participation of counsel at the Hearing must be denied until such time as a *Motion to Appear Pro Hac Vice* is properly filed in the docket and thereafter granted by the Hearing Officer. This ruling bars only the participation of counsel not licensed in the State of Tennessee, and does not prevent Applicant's counsel from observing the Hearing electronically if he or she desires to do so.

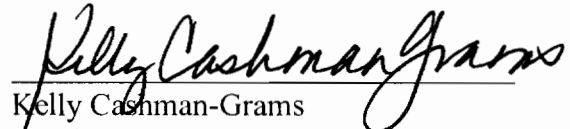
IT IS THEREFORE ORDERED THAT:

1. Company representatives and witnesses of Swiftel, LLC, residing outside the State of Tennessee, who wish to participate telephonically in the Hearing scheduled for Thursday, October 9, 2008 at 2:00 p.m. CST, may do so by calling (615) 532-7746. For convenience to all parties and to avoid disruption of the proceedings, any authorized persons choosing to participate by telephone shall call the above-referenced telephone number approximately **ten (10) minutes in advance of the commencement time set for the Hearing.** The Hearing will start promptly at the aforementioned time.

2. All representatives or witnesses participating telephonically who will be called to testify at the Hearing shall be accompanied by a properly licensed Notary Public in good standing. The Notary Public shall be duly authorized to administer the Oath to the witness, and shall do so during the Hearing and remain in the immediate presence of and observe the testifying witness at all times during the testimony. Swiftel, LLC shall be responsible for ensuring that a Witness Certification and Affidavit meeting the requirements stated in subparagraphs 3 and 4 above is filed in

accordance with the Rules of the Tennessee Regulatory Authority and the mandatory time set forth in this Order.

3. Legal counsel not licensed in the State of Tennessee, shall not be permitted to participate in the Hearing unless and until such time as a *Motion to Appear Pro Hac Vice* has been properly filed in the docket and granted by the Hearing Officer.


Kelly Cashman-Grams
Hearing Officer

cc: Interested Parties
Original in Docket File

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

WITNESS CERTIFICATION

I attest and certify that I provided testimony via telephone before the Tennessee Regulatory Authority at the Hearing on the date referenced below. I have read the above Affidavit and further acknowledge and agree that the testimony I provided proceeded as stated herein.

DATE OF HEARING

NAME OF WITNESS (Printed)

DATE OF SIGNING

SIGNATURE OF WITNESS

AFFIDAVIT

Affiant, after first being duly sworn according to law, deposes and states as follows:

1.

I am _____, a Notary Public in good standing in the State of _____, County of _____. All statements set out in this Affidavit are made of my own personal knowledge.
2.

My business address and telephone phone where I may be contacted is:

3. Mr./Ms. _____ ("Witness") personally appeared before me and provided _____ (type of identification) which I verified, on the _____ day of _____, 20__ for the purpose of providing sworn testimony via telephone at a Hearing before the Tennessee Regulatory Authority.
3. During the Hearing, on the record, I administered the testimonial oath to Witness prior to the Witness providing testimony via telephone before the Tennessee Regulatory Authority.
4. I remained physically present with the Witness at all times during the Witness' testimony until such Witness was excused from examination by the Hearing Officer.
5. The testimony I observed being given by the Witness was in accordance with the highest ethical and legal standards.

FURTHER AFFIANT SAITH NOT.

WITNESS my hand, at office, this _____ day of _____, 20__.

(OFFICIAL SEAL)

NOTARY PUBLIC

My Commission Expires: