

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

THE APPLICATION OF)	
DUKENET COMMUNICATIONS, LLC)	
FOR A CERTIFICATE TO PROVIDE)	DOCKET NO. 09-00051
LOCAL EXCHANGE AND INTEREXCHANGE)	
TELECOMMUNICATIONS SERVICES)	
AS A COMPETITIVE LOCAL)	
EXCHANGE CARRIER)	

Motion to Appear and Participate Telephonically at Hearing

DukeNet Communications, LLC ("DukeNet" or "Applicant") is in receipt of the Notice of Hearing which sets a hearing date of Monday, July 13, 2009 during the Authority Conference scheduled to begin at 1:00 p.m. (central) in the Hearing Room on the Ground Floor at 460 James Robertson Parkway, Nashville, Tennessee. Henry M. Walker, counsel for DukeNet, will appear in person for the hearing on July 13, 2009.

Pursuant to Tenn. Code Ann. § 4-5-312(c), DukeNet submits this Motion for Tony Cockerham, Vice President of Sales and Customer Operations for DukeNet, to Appear and Participate Telephonically at the Hearing and provides the following information in support of this Motion:

Tenn. Code Ann. § 4-5-312(c) 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 accordance with the above-referenced statute, DukeNet hereby respectfully requests that Tony Cockerham be permitted to participate in the hearing electronically because Mr. Cockerham resides outside of the State of Tennessee and his personal appearance would be burdensome.

If this Motion is granted, DukeNet agrees that Tony Cockerham's telephonic participation in the hearing will be subject to the following conditions:

1. DukeNet is solely responsible for, and shall be required to, secure a properly licensed Notary Public in good standing in the State of 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 DukeNet, 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 Witness Certification.

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. Should a proper Affidavit containing the affirmations noted above fail to be produced to the Hearing Officer as

set forth herein, the testimony of the witness shall be struck from the record, which may constitute grounds sufficient for denial of the Petition.

Wherefore, DukeNet Communications, LLC, based upon the foregoing, respectfully requests that the Commission grant its Motion for Tony Cockerham to Appear and Participate Telephonically at Hearing as described Herein.

Respectfully submitted this the 7th day of July, 2009.

By: 
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