

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 9, 2009

IN RE:)	
)	
PETITION OF CINCINNATI BELL ANY DISTANCE)	DOCKET NO.
INC. FOR A CERTIFICATE TO PROVIDE)	09-00113
FACILITIES-BASED COMPETING LOCAL)	
EXCHANGE TELECOMMUNICATIONS SERVICES)	

ORDER GRANTING TELEPHONIC APPEARANCE AT HEARING

This matter came before the Hearing Officer of the Tennessee Regulatory Authority (“TRA” or “Authority”) upon a *Motion of Cincinnati Bell Any Distance, Inc. to Permit D. Scott Ringo, Jr. to Appear Telephonically at the Hearing* (“*Motion for Telephonic Appearance*”) filed on September 4, 2009. The *Motion for Telephonic Appearance* requests permission for D. Scott Ringo, Jr. (“Witness”) to appear telephonically during the Hearing to consider the merits of the *Petition of Cincinnati Bell Any Distance, Inc. for a Certificate to Provide Facilities-based Local Exchange Telecommunications Services* (“*Petition*”) scheduled on Monday, September 21, 2009 at 1:00 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 Telephonic Appearance*, Cincinnati Bell Any Distance, Inc. (“Cincinnati” or “Petitioner”) states that for various reasons, including the lessening of scheduling conflicts, it

requests that Mr. D. Scott Ringo, Jr., National Director of Regulatory Affairs and Assistant Corporate Secretary for Cincinnati, be permitted to appear telephonically at the Hearing accompanied by a notary public for the purpose of providing testimony or ratifying the pre-filed testimony filed with its *Petition*. In accordance with the above-referenced statute, and considering that Cincinnati has made its request in a timely manner, the Hearing Officer hereby grants the request for telephonic appearance and participation in the Hearing, conditioned upon satisfaction of the following:

1. Cincinnati shall have its attorney, whom is either licensed to practice law in Tennessee or has been granted permission to appear *pro hac vice* before the Tennessee Regulatory Authority prior to the subject hearing, appear personally at the scheduled time and place of the Hearing to present the Petitioner's Witness and to facilitate the telephonic questioning of such witness.

2. Cincinnati 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 Witness is physically located at the time he appears before the TRA and gives telephonic testimony or telephonically ratifies pre-filed testimony.

3. The Notary Public secured by the Cincinnati, as noted above, shall be qualified and duly authorized to administer the Testimonial Oath to the Witness providing testimony by telephone, and shall do so during the Hearing, remaining in the physical presence of and observing the Witness at all times during his testimony until Witness is excused from examination by the Authority panel or Hearing Officer.

4. Following the conclusion of the Hearing, the Notary Public shall execute an Affidavit affirming the proven identity of the telephonic Witness sworn by the Notary Public and that the telephonic testimony provided by the 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 additionally be required to sign a conforming Witness

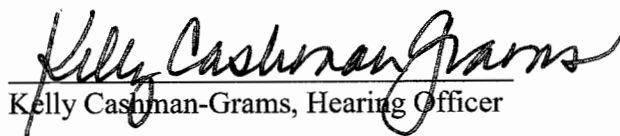
Certification. (As a courtesy, sample forms of the *Witness Certification* and *Notary Public Affidavit* are attached hereto as Exhibit A.)

5. Original copies of both the Witness Certification and Notary Public 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 properly executed original Witness Certification and Notary Public Affidavits containing the affirmations noted above fails to be produced to the Hearing Officer as set forth herein, the testimony of the Witness may be struck from the record, and may constitute grounds sufficient for denial or subsequent revocation of the application.

IT IS THEREFORE ORDERED THAT:

1. Mr. D. Scott Ringo, Jr., National Director of Regulatory Affairs and Assistant Corporate Secretary for Cincinnati, is permitted, subject to the conditions set forth in this Order, to appear and participate telephonically in the Hearing to be held during the Authority Conference on **September 21, 2009 beginning at 1:00 p.m. CST.**

2. For the convenience of all parties and to avoid disruption of the proceedings, all authorized persons participating by telephone shall call (615) 532-7746 approximately ten (10) minutes in advance of the commencement time set for the Hearing. The Authority Conference is expected to begin promptly at the aforementioned time.


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

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

I, _____, attest and certify that I provided testimony via telephone before the Tennessee Regulatory Authority at the Hearing on the _____ day of _____, 20____. I have read the Affidavit of the Notary Public, Mr./Mrs. _____, who administered the Testimonial Oath to me and thereafter witnessed my testimony, and I further acknowledge and affirm that the testimony I provided proceeded as stated therein.

FURTHER WITNESS SAITH NOT.

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

SIGNATURE OF WITNESS

NAME OF WITNESS (Printed)

EXHIBIT A

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

NOTARY PUBLIC 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

NOTARY PUBLIC (Printed)

My Commission Expires:

SAMPLE