

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:)	
)	
APPLICATION OF)	
TIME WARNER CABLE)	
BUSINESS, LLC, D/B/A TIME)	
WARNER CABLE, FOR A)	DOCKET NO. 13-00087
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	
TO PROVIDE COMPETITIVE)	
EXCHANGE SERVICES)	

MOTION TO ALLOW WITNESS TO PARTICIPATE BY TELEPHONE

The hearing in the above-captioned matter is set for November 4, 2013 at 1:00 p.m. (CST) at the Authority's hearing room in Nashville.

Pursuant to Tenn. Code Ann. § 4-5-312(c), the Applicant submits this Motion to allow the Applicant's witness to participate by telephone 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, Applicant hereby respectfully requests that its witness be allowed to participate in the hearing by telephone because personal attendance of the Applicant's witness, who resides outside of the State of Tennessee, would be burdensome.

If this Motion is granted, Time Warner Cable agrees that the witness's telephonic participation in the hearing will be subject to the following conditions:

1. The Applicant will secure a properly licensed Notary Public in good standing in the state where the testimony is to be given, and who will physically appear with the witness who at the hearing will be called telephonically to give live testimony and 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.


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 will bear the official seal of the signing Notary Public, and the testifying witness will also sign a Witness Certification.

4. The Affidavit described above will be postmarked within five (5) days of the hearing and sent to the Hearing Officer via postage paid U.S. Mail.

Wherefore, Time Warner Cable, based upon the foregoing, respectfully requests that the Hearing Officer grant this motion to allow the Applicant's witness to participate by telephone at the hearing, as described herein.

Respectfully submitted,

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