

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

PETITION OF MIDWEST CABLE PHONE OF TENNESSEE, LLC FOR A CERTIFICATE AS A COMPETING TELECOMMUNICATIONS SERVICE PROVIDER))))))	DOCKET NO. 14-00067
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MOTION TO APPEAR AND PARTICIPATE TELEPHONICALLY AT HEARING

Pursuant to Tenn. Code Ann. § 4-5-312(c), Midwest Cable Phone of Tennessee, LLC ("Midwest Cable Phone") asks that its witness be allowed to participate by telephone at the hearing on the above-captioned petition.

A hearing in this matter has been scheduled for 8:15 a.m. on April 30, 2015 at the Andrew Jackson State Office Building, 502 Deaderick Street, Nashville, Tennessee. At the hearing, Mr. Leonard Baxt will testify in support of the petition. Mr. Baxt, who will be in Washington, D.C. at the time of the hearing, requests that he be allowed to appear and testify by telephone at the hearing.

Tenn. Code Ann. § 4-5-312(c) permits a witness to participate by telephone under certain circumstances. The statute states,

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.

Pursuant to that statute, Midwest Cable Phone requests that Mr. Baxt be allowed to testify by telephone and agrees it will comply with the following requirements.

1. Midwest will arrange to have a notary public, who is licensed in the District of Columbia, physically present with Mr. Baxt at the time of the hearing.

2. The notary public will swear the witness and remain present with Mr. Baxt during his testimony and until the witness is excused by the Hearing Officer.


3. Following the conclusion of the hearing, the notary public will prepare and sign an affidavit affirming the identity of the witness, the fact that the witness was sworn by the notary public, and that the testimony of the witness, as observed by the notary public, was given in accordance with the highest ethical and legal standards. The affidavit will bear the seal of the notary public and a witness certification signed by Mr. Baxt.

4. The affidavit will be filed at the TRA on or before May 5, 2015. Midwest Cable Phone acknowledges that if the affidavit is not filed by that date, the testimony of the witness may be struck from the record.

In conclusion, Midwest Cable Phone respectfully requests that the Authority grant this Motion to Appear and Participate Telephonically at Hearing for the reasons and under the terms described herein.

Respectfully submitted, this 13th day of April, 2015.

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