

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 5, 2016

IN RE:

APPLICATION OF ENTERGY ARKANSAS, INC. FOR  
APPROVAL OF CHANGES IN RATES FOR RETAIL  
ELECTRIC SERVICE

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DOCKET NO.  
16-00038

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ORDER GRANTING MOTION TO ALLOW WITNESS TO  
PARTICIPATE BY TELEPHONE

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This matter is before the Hearing Officer upon a letter requesting to participate in the hearing by phone (“*Request*”) filed on behalf of Entergy Arkansas, Inc. (“Entergy” or “Petitioner”) on June 24, 2016.<sup>1</sup> In its *Request*, Entergy seeks permission for its witness to participate by telephone in the hearing on its Petition for a rate increase, which is scheduled before the Tennessee Regulatory Authority (“Authority” or “TRA”) on July 11, 2016 at 1:00 p.m. CDT.

The Tennessee Uniform Administrative Procedures Act allows discretion in decisions involving telephone participation in a hearing:

(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.<sup>2</sup>

In accordance with the above-referenced statute and considering that the request was timely filed, the Hearing Officer grants Petitioner’s *Request*, subject to compliance with the

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<sup>1</sup> On April 15, 2016, the Tennessee Regulatory Authority approved the issuance of standing orders designating General Counsel or her designee as Hearing Officer in certain types of contested cases, including rate case petitions.

following conditions:

1. Petitioner's attorney shall appear personally at the hearing to present and facilitate questioning of the Petitioner's witness.<sup>3</sup>

2. Petitioner is required and solely responsible for securing a properly licensed Notary Public, in good standing, in the State or jurisdiction where the witness is giving telephonic testimony. During the hearing, the Notary Public shall be in the same physical location and appear with the testifying witness.

3. The Notary Public secured by the Petitioner shall be duly authorized to administer the testimonial oath, and shall do so during the hearing. The Notary Public is required to remain in the presence of the witness at all times during the witness' testimony until such time as the witness is excused from examination by the Authority.

4. After the hearing, the Notary Public shall prepare and sign an affidavit, which bears the official seal of the Notary Public, affirming, (1) the proven identity of the witness, (2) the fact that the Notary Public properly administered the testimonial oath to such person, and (3) that the testimony given by the sworn witness was in accordance with the highest ethical and legal standards, as observed by the Notary Public. In addition, the testifying witness shall sign a conforming Witness Certification. (As a courtesy, Exhibit A contains sample forms of the *Witness Certification and Notary Public Affidavit*.)

5. The original Witness Certification and Notary Public Affidavit must be post-marked within five (5) days of the hearing and received by the Authority's Docket Manager via postage-paid U.S. Mail. Should the required affirming documents not be received by the Docket

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<sup>2</sup> Tenn. Code Ann. § 4-5-312(c) (2015).

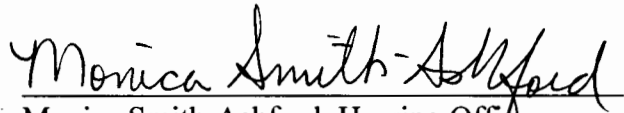
<sup>3</sup> Petitioner's attorney must be licensed to practice law in Tennessee or have obtained permission from the Authority to appear *pro hac vice*. See, Tenn. R. and Regs. 1220-1-2-.04(7), which states, "Out of state counsel shall comply with T.C.A. [Tenn. Code Ann.] 23-3-103(a) and Tennessee Supreme Court Rule 19, except the affidavit referred to in the latter rule shall be filed with the Chair of the Authority." See also, Tenn. Sup. Ct. R. 19 (eff. February 4, 2013).

Manager as required above, the testimony of the witness may be struck from the record and constitute sufficient cause for denial of the Petition.

**IT IS THEREFORE ORDERED THAT:**

1. Subject to the conditions set forth in this Order, Entergy's witness may appear and participate by telephone in the hearing noticed for July 11, 2016 at 1:00 p.m. CDT.

2. To avoid disruption of other matters scheduled for the consideration of the Authority, persons authorized to participate by telephone shall call 800-689-9374 and enter Guest Passcode: 233602# at least **five (5) minutes before the start time set for the Authority Conference.**

  
Monica Smith-Ashford, 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**

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**WITNESS CERTIFICATION**

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Affiant, duly sworn according to law, states as follows:

I, \_\_\_\_\_, attest and certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I gave sworn testimony by telephonic means at a hearing in the above-styled docket before the Tennessee Regulatory Authority. I have read the Affidavit of the Notary Public, executed by Mr. /Mrs. \_\_\_\_\_, who administered the testimonial oath to me and witnessed my testimony, and I further acknowledge and affirm that the testimony I provided during the hearing compiled with the highest ethical and legal standards.

**FURTHER WITNESS SAITH NOT.**

WITNESS my hand, at office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**SIGNATURE OF WITNESS**

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**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

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NOTARY PUBLIC AFFIDAVIT

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Affiant, duly sworn according to law, states as follows:

1. I, \_\_\_\_\_, am a duly licensed Notary Public in good standing in the State of \_\_\_\_\_, County of \_\_\_\_\_. This Affidavit is made of my own personal knowledge.

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

\_\_\_\_\_

3. To provide sworn testimony by telephone before the Tennessee Regulatory Authority, \_\_\_\_\_ ("Witness") appeared personally before me and provided \_\_\_\_\_ (type of identification), which I verified, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

3. During the hearing, I properly administered the testimonial oath to the Witness before he/she testified by telephone before the Tennessee Regulatory Authority.

4. I remained in the presence of the Witness at all times during his/her testimony until such Witness was excused from examination by the Authority panel or Hearing Officer.

5. To the extent observable, the testimony 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