

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 6, 2016

IN RE:

PETITION OF KENTUCKY UTILITIES COMPANY FOR
AN ORDER AMENDING AND EXTENDING EXISTING
AUTHORITY WITH RESPECT TO REVOLVING LINE
OF CREDIT

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DOCKET NO.
16-00119

ORDER GRANTING MOTION TO ALLOW WITNESS TO
PARTICIPATE BY TELEPHONE

This matter is before the Hearing Officer upon a *Motion to Allow Witness to Appear and Participate at Hearing by Telephone* (“*Motion*”) filed on behalf of Kentucky Utilities Company (“KU” or “Petitioner”) on November 29, 2016. In its *Motion*, KU requests permission for its witness to participate by telephone in the hearing on its *Petition for Amendment and Extension of Authority with Respect to Revolving Credit* (“*Petition*”) to be held during the Tennessee Regulatory Authority (“Authority” or “TRA”) Conference scheduled to begin at 1:00 p.m. (CST) on December 12, 2016.

Under the Tennessee Uniform Administrative Procedures Act, decisions involving telephone participation in a hearing are within the hearing officer’s discretion:

(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.¹

In support of its request for telephonic participation, KU asserts that personal appearance by its

¹ Tenn. Code Ann § 4-5-312(c) (2015).

witness, who lives in Louisville, KY, would be burdensome; therefore, KU requests permission for its witness to testify by phone. Further, the Petitioner agrees to comply with the conditions of telephone participation required by the Authority. Therefore, in accordance with the above-referenced statute and considering that the request was timely-filed and that personal appearance by the witness would be burdensome, the Hearing Officer grants Petitioner's *Motion*, subject to compliance with the following conditions:

1. Petitioner's attorney shall appear personally at the hearing to present and facilitate questioning of the Petitioner's witness.

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.

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.

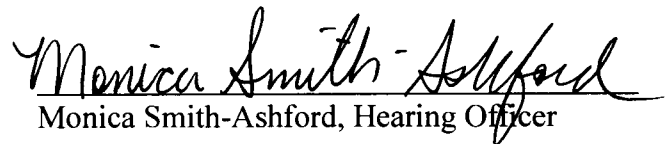
5. The original Witness Certification and Notary Public Affidavit must be post-marked within five (5) days of the hearing and received by the Authority's Docket Manager via

postage-paid U.S. Mail. Should the required affirming documents not be received by the Docket 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, the witness for Kentucky Utilities Company may appear and participate by telephone in the hearing noticed for December 12, 2016 at 1:00 p.m. (CST).

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/Guest Passcode 233602# at least **five (5) minutes before the start time set for the Authority Conference** (1:00 p.m. CST). The Authority Conference will begin promptly.


Monica Smith-Ashford, Hearing Officer

cc: Interested Parties
Original in Docket File