#### BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

### NASHVILLE, TENNESSEE

July 18, 2018

IN RE:	)
PETITION OF KENTUCKY UTILITIES COMPANY FOR	) DOCKET NO.
AN ORDER AUTHORIZING THE ISSUANCE OF	) 18-00057
SECURITIES AND THE ASSUMPTION OF	)
OBLIGATIONS AND AN ORDER AMENDING AND	)
EXTENDING EXISTING AUTHORITY WITH RESPECT	)
TO REVOLVING LINE OF CREDIT	)

### ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the Motion to Allow Counsel and Witness to Appear and Participate at Hearing by Telephone ("Motion") filed by Kentucky Utilities Company ("KU" or the "Company") on July 11, 2018. In its Motion, KU seeks permission for its counsel and witness to participate by telephone in the hearing on its Petition seeking authorization to issue securities and assume obligations to be held during the regularly scheduled Commission Conference beginning at 1:00 p.m. (CDT) on July 23, 2018. In its Motion, KU states that both its counsel and witness live in Louisville, Kentucky and personal appearance would be burdensome. In addition, KU confirms that a licensed Notary Public will be present to administer the testimonial oath and remain present during the testimony of its witness, Daniel Arbough.<sup>2</sup>

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

<sup>&</sup>lt;sup>1</sup> *Motion*, p. 1 (July 11, 2018). <sup>2</sup> *Id.* at 2.

(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>3</sup>

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 KU's *Motion* in part. KU's attorney must be present at the hearing, but the Company's witness may testify by phone, 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 by the presiding Commissioner.
- 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 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

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<sup>&</sup>lt;sup>3</sup> Tenn. Code Ann § 4-5-312(c) (2015).

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 Commission'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, Kentucky Utilities Company's

witness may appear and participate by telephone in the hearing noticed for July 23, 2018 at 1:00

p.m. (CDT).

2. To avoid disruption of other matters scheduled for the consideration of the

Commission, 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

**Commission Conference**. The Commission Conference will begin promptly.

Monica Smith-Ashford, Hearing Officer

cc: Interested Parties

Original in Docket File

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## BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION NASHVILLE, TENNESSEE

IN RE:	)
(Case Style)	) ) Docket No. 3-00000 ) )
WITNESS CER	TIFICA ION
Affiant, duly sworn according to law, states	
	attest and certify that on day of day of by telephonic means at a hearing in the
above-styled docket before the Tennesse Pul	Utility emmission. I have read the Affidavit
of the Notary Public, by Mr /M	
administered the testimonial to acknowledge and affine that the testimony I p	d witnessed my testimony, and I further
the highest ethical and least state of the second state of the sec	grovided during the hearing complied with
URTHER WITNESS, AITH NOT.	
was my hand, office, thisday of	of, 20
	SIGNATURE OF WITNESS
	NAME OF WITNESS (Printed)

### BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION NASHVILLE, TENNESSEE

IN RE:		)		<b>&gt;</b>	
(Case Style)		)	Docket 100	0-00000	
		)			
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	NOTARY PUB	BLIC AFF	ID VIT		
				<u> </u>	
Affiant, duly sworn	according to law	ates as fol	vs:		
1. I,		m	a duly licensed N	lotary Public in	good
standing in the State of		unty of		This Affiday	it is
made of my own personal k	no leage	a			
2. My boiness	address and telep.	phone	where I may be co	ntacted is:	
3 o provi	worn testimony	by telepho	one before the T	ennessee Public	Utility
ommission,	("With	ness") app	peared personally	before me a	nd
rovided	(t	ype of ider	ntification), which	I verified, on the	e
day of	, 20				
3. During the h	earing, I properly	administer	ed the testimonia	l oath to the Wi	itness
before he/she testified by tel	ephone before the	Γennessee	Public Utility Con	nmission.	
4. I remained in	n the presence of t	the Witnes	s at all times dur	ing his/her testing	mony

until such Witness was excused from examination by the Commission panel or Hearing Officer.

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**EXHIBIT A** 

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 \_\_\_\_\_ (OFFICIAL SEAL) NOTAR PUBL OTARY PUBLIC rinted) Expires: omissi