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**Bradley**

2018 DEC 18 PM 3:37  
December 18, 2018

**VIA ELECTRONIC FILING**

Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

Re: Petition of ESG Pipeline (JC), LLC to Abandon Service and Surrender Certificate  
Docket No. 18-00121

On behalf of ESG Pipeline (JC), LLC, please find attached for filing a *Motion to Appear and Participate at Hearing Telephonically* in the above-captioned matter.

As required, an original of this filing, along with four (4) hard copies will follow. Should you have any questions concerning this filing, please do not hesitate to contact the undersigned.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS LLP

By:

  
Henry Walker

HW/dbi  
Attachment

4812-6327-5139.1  
0E1720-085308

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

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ESG PIPELINE (JC),</b>	)	
<b>LLC TO ABANDON SERVICE AND</b>	)	<b>DOCKET NO. 18-00121</b>
<b>SURRENDER CERTIFICATE</b>	)	

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**MOTION TO ALLOW WITNESS TO TESTIFY BY TELEPHONE**

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The hearing in the above-captioned matter is set tentatively for January 22, 2019 at 1:00 p.m. (CDT), in the ground floor hearing room of the Andrew Jackson State Office Building, 502 Deaderick Street, Nashville, Tennessee 37243.

Pursuant to Tenn. Code Ann. § 4-5-312(c), ESG Pipeline (JC), LLC (“ESG Pipeline”) submits this motion to allow the witness for ESG Pipeline, who will be at work in Indiana on the day of the hearing, to testify by telephone and provides the following in support of this motion:

1. There are no other parties to this docket.
2. The applicant’s Tennessee attorney will appear personally at the hearing.
3. An Indiana licensed notary public will be in the same physical location with the applicant’s witness.
4. The notary public will administer the testimonial oath and remain physically present with the witness at all times during the witness’ testimony.
5. Following the conclusion of the hearing, the notary public will sign, notarize, and file an affidavit (**Exhibit A**), affirming: (1) the identity of the witness, (2) the fact that the notary public administered the oath to the witness and remained with the witness throughout the witness’

testimony, 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.

6. The witness will sign a Witness Certificate (**Exhibit A**).

7. Both the Witness Certification and the affidavit from the notary public will be post-marked within five (5) days of the hearing and filed with the Tennessee Public Utility Commission.

8. The applicant understands that if the required documents are not filed with the Commission as required above, the testimony of the witness may be stricken from the record and constitute sufficient cause for denial of the application.

**WHEREFORE**, based on the foregoing, ESG Pipeline respectfully requests that the Hearing Officer enter an Order granting this motion allowing the applicant's witness to testify by telephone.

Respectfully submitted this 18<sup>th</sup> day of December, 2018.

Respectfully submitted,

By: 

Henry Walker (B.P.R. No. 000272)  
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*Attorney for ESG Pipeline (JC), LLC*

**EXHIBIT A**

[See attached.]

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

IN RE:	)	
	)	
PETITION OF ESG PIPELINE (JC), LLC TO ABANDON SERVICE AND SURRENDER CERTIFICATE	) ) ) ) )	DOCKET NO. 18-00121

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**WITNESS CERTIFICATION**

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I attest and certify that I provided testimony via telephone before the Tennessee Public Utility Commission at the hearing on the date referenced below. I have read the Affidavit below and further acknowledge and agree that the testimony I provided proceeded as stated therein.

_____ Date of Hearing		_____ Michael G. Nasiatka Name of Witness (Printed)
		_____ Signature of Witness

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**AFFIDAVIT**

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Affiant, after first being duly sworn according to law, deposes and states as follows:

1. I am \_\_\_\_\_, a Notary Public in good standing in the State of \_\_\_\_\_, County of \_\_\_\_\_. All statements set out in this Affidavit are made of my own personal knowledge.

2. My business address and telephone number where I may be contacted are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Michael G. Nasiatka ("Witness") personally appeared before me and provided \_\_\_\_\_ (type of identification) which I verified, on the 22<sup>nd</sup> day of January, 2019 for the purpose of providing sworn testimony via telephone at a hearing before the Tennessee Public Utility Commission.

4. During the hearing on the record, I administered the oath to the witness prior to the witness providing testimony via telephone.

5. I remained physically present with the witness at all times during the witness' testimony.

6. The testimony I observed being given by the witness was in accordance with the highest of ethical and legal standards.

**FURTHER AFFIANT SAITH NOT.**

WITNESS my hand, at office, this \_\_\_\_ day of January, 2019.

(Official Seal)

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_