

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 11, 2019

IN RE:

ESG PIPELINE (JC), LLC PETITION TO ABANDON
SERVICE AND SURRENDER CERTIFICATE OF
CONVENIENCE AND NECESSITY

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DOCKET NO.
18-00121

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the *Motion to Allow Witness to Testify by Telephone* (“*Motion*”) filed by ESG Pipeline (JC), LLC (“ESG-JC”) on December 18, 2018. In its *Motion*, ESG-JC seeks permission for its witness to participate by telephone in the hearing on its *Petition of ESG Pipeline (JC), LLC to Abandon Service and Surrender Certificate* (“*Petition*”) to be held during the regularly scheduled Commission Conference beginning at 1:00 p.m. (CST) on January 22, 2019.

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 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 ESG-JC’s request, subject to compliance with the following conditions:

¹ Tenn. Code Ann § 4-5-312(c) (2015).

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*.

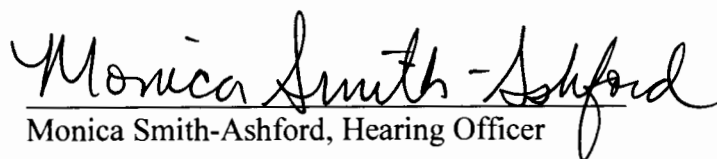
5. The original *Witness Certification* and *Notary Public Affidavit*, in the form as was attached as Exhibit A to the *Motion*, must be post-marked within five (5) days of the hearing and received by the Commission's Docket Manager via postage-paid U.S. Mail. Should the required affirming documents 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, ESG Pipeline (JC), LLC's

witness may appear and participate by telephone in the hearing noticed for January 22, 2019, at 1:00 p.m. (CST).

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