BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

May 16, 2019

IN RE:)
PETITION OF KENTUCKY UTILITIES COMPANY FOR) DOCKET NO.
AN ORDER AUTHORIZING KENTUCKY UTILITIES) 19-00001
COMPANY TO ABANDON ITS SERVICE AREA IN)
TENNESSEE AND TO WITHDRAW ITS TARIFF FOR)
ELECTRIC SERVICE AND AN ORDER DECLARING)
THAT KENTUCKY UTILITIES IS NO LONGER A)
PUBLIC UTILITY UNDER TENNESSEE LAW AND NO)
LONG SUBJECT TO TENNESSEE PUBLIC UTILITY)
COMMISSION REGULATION)

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the *Motion to Allow Witness to Appear and Participate at Hearing by Telephone* ("*Motion*") filed by Kentucky Utilities Company ("KU") on May 15, 2019. In its *Motion*, KU seeks permission for its witness to participate by telephone in the hearing on its *Petition of Kentucky Utilities Company* seeking to abandon its Certificate of Public Convenience and Necessity ("*Petition*") to be held during the regularly scheduled Commission Conference beginning at 1:00 p.m. (CDT) on May 20, 2019. KU maintains that its witness, Robert Conroy, Vice President – State Regulation and Rates, is located in Louisville, KY and travel time would be burdensome and inefficient since Mr. Conroy can summarize his testimony and answer questions by phone and there are no other participants to the proceeding.

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.

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 request, 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, <u>Exhibit A</u> contains sample forms of the *Witness Certification and Notary Public Affidavit*.)

¹ Tenn. Code Ann § 4-5-312(c) (2015).

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 May 20, 2019, 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. 00-00000)))
WITNESS	CERTIFICATION
	attest and certify that on the day of
	rn testimony by telephonic means at a hearing in the
above-styled docket before the Tennessee Pu	the Utility Commission. 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
	SIGNATURE OF WITNESS
	NAME OF WITNESS (Printed)

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION NASHVILLE, TENNESSEE

IN RE:	
(Case Style)	Docket No. 00-00000
	NOTARY PUBLIC AFFIDAVIT
Affiar	nt, duly sworn according to law, states as follows:
1.	I, am a duly licensed Notary Public in good
standing in th	ne State of This Affidavit is
made of my o	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 Public Utility
Commission,	("Witness") appeared personally before me and
provided	(type of identification), which I verified, on the
day o	f
3.	During the hearing, I properly administered the testimonial oath to the Witness
before he/she	testified by telephone before the Tennessee Public Utility Commission.
4.	I remained in the presence of the Witness at all times during his/her testimony
until such Wi	tness was excused from examination by the Commission 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: