

Electronically Filed in TPUC Docket Room on May 14, 2019 at 2:07 p.m.

May 14, 2019

VIA ELECTRONIC FILING

TPUC.DocketRoom@tn.gov

Hon. Robin L. Morrison, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utilities Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

RE: *Petition of Tennessee-American Water Company for Approval of and Authority to Borrow Up to \$50,000,000 to Finance Additions and Improvements to Facilities and Acquisitions and to Repay Short-Term Indebtedness Pursuant to T.C.A. § 65-4-109, Docket No. 19-00041*


Dear Chairman Morrison:

On behalf of Tennessee-American Water Company, please find attached for filing a *Motion to Appear and Participate at Hearing Telephonically* in the above-captioned docket.

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

Very truly yours,

BUTLER SNOW LLP



Melvin J. Malone

clw

Attachment

cc: Elaine Chambers, Tennessee-American Water Company

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

**PETITION OF TENNESSEE-)
AMERICAN WATER COMPANY FOR)
APPROVAL OF AND AUTHORITY TO)
BORROW UP TO \$50,000,000 TO)
FINANCE ADDITIONS AND)
IMPROVEMENTS TO FACILITIES)
AND ACQUISITIONS AND TO REPAY)
SHORT-TERM INDEBTEDNESS)
PURSUANT TO T.C.A. § 65-4-109)**

DOCKET NO. 19-00041

MOTION TO APPEAR AND PARTICIPATE AT HEARING TELEPHONICALLY

The hearing in the above-captioned matter (the “Hearing”) is set by the Tennessee Public Utility Commission (the “Commission”) for May 20, 2019 at 1:00 P.M. (CST), in the Conference Room located on the Fourth Floor of the Andrew Jackson State Office Building, 502 Deaderick Street, Nashville, Tennessee 37243.

Pursuant to Tenn. Code Ann. § 4-5-312(c), Tennessee-American Water Company (the “Applicant”) submits this *Motion to Appear and Participate at Hearing Telephonically* (the “Motion”) and provides the following in support of this Motion:

Tenn. Code Ann. § 4-5-312(c) addresses electronic participation at a hearing as follows:

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, Applicant hereby respectfully requests that its witness be allowed to participate in the Hearing telephonically because personal appearance by the Applicant's witness, who will be working outside of Middle Tennessee on the date of the Hearing, would be burdensome.

If this Motion is granted, Applicant agrees that its telephonic appearance and participation in the Hearing will be subject to the following conditions:

1. Applicant's Tennessee attorney shall appear personally at the Hearing to present and facilitate questioning of Applicant's witness.

2. Applicant is solely responsible for, and shall be required to, secure a properly licensed Notary Public in good standing in the State of the jurisdiction where the testimony is to be given, and who will be in the same physical location with the witness while he is providing the testimony or ratifying pre-filed testimony.

3. The Notary Public obtained by Applicant shall be duly authorized to administer the testimonial oath and shall do so during the Hearing and remain physically present with the witness at all times during the witness' testimony until such witness is excused from examination by the Commission or Hearing Officer.

4. Following conclusion of 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 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 in the form attached hereto as Collective Exhibit A¹ or in such format ordered by the Commission or Hearing Officer.

5. The original Witness Certification and Notary Public Affidavit must be post-marked within five (5) days of the Hearing and received by the Hearing Officer via postage-paid U.S. Mail or overnight courier. Should the required affirming documents not be received by the Hearing Officer 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, Tennessee-American Water Company respectfully requests that the Commission enter an Order granting its Motion to Appear and Participate at Hearing Telephonically.

Respectfully submitted this 14th day of May, 2019.



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Attorneys for Petitioner, Tennessee-American
Water Company

¹ To the extent the Commission has any issue with the form of Witness Certification or Affidavit attached hereto, please let Applicant's counsel know, such that we can revise accordingly.

COLLECTIVE EXHIBIT A

[See attached.]

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

**PETITION OF TENNESSEE-)
AMERICAN WATER COMPANY FOR)
APPROVAL OF AND AUTHORITY TO)
BORROW UP TO \$50,000,000 TO)
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SHORT-TERM INDEBTEDNESS)
PURSUANT TO T.C.A. § 65-4-109)**

DOCKET NO. 19-00041

WITNESS CERTIFICATION

Affiant, duly sworn according to law, states as follows:

I, _____, attest and certify that on the ____ day of _____, 20__, I gave sworn testimony by telephonic means at a hearing in the above-styled docket before the Tennessee Public 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 was in accordance with the highest ethical and legal standards.

FURTHER WITNESS SAITH NOT.

WITNESS my hand, at office, this ____ day of _____, 2019.

Signature of Witness

Name of Witness (Printed)

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DOCKET NO. 19-00041

NOTARY PUBLIC AFFIDAVIT

Affiant, duly sworn according to law, states as follows:

1. I, _____, am a duly licensed Notary Public in good standing in the State of _____, County of _____. This Affidavit is made of my own personal knowledge.

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

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 of _____, 20__.

4. During the hearing, I properly administered the testimonial oath to the Witness before he/she testified by telephone before the Tennessee Public Utility Commission.

5. I remained in the presence of the Witness at all times during his/her testimony until such Witness was excused from examination by the Commissioner panel or Hearing Officer.

6. To the extent observable, the testimony 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 _____, 20__.

(OFFICIAL SEAL)

NOTARY PUBLIC

NOTARY PUBLIC (Printed)

My Commission Expires: _____