

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

**July 6, 2021**

<b>IN RE:</b>	)	
	)	
<b>PETITION SEEKING REVOCATION OF CERTIFICATE</b>	)	<b>DOCKET NO.</b>
<b>OF FRANCHISE AUTHORITY HELD BY SPIRIT</b>	)	<b>20-00006</b>
<b>BROADBAND, LLC</b>	)	
	)	

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**ORDER GRANTING MOTION TO APPEAR AND PARTICIPATE  
TELEPHONICALLY AT HEARING**

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This matter is before the Hearing Officer upon a *Notice to Appear and Participate Telephonically at Hearing* (“*Motion*”) filed on behalf of Cumberland County, Tennessee (“Cumberland Co.” or “Petitioner”) on June 29, 2021. In its *Motion*, Cumberland Co. requests permission for its counsel to participate by telephone in the hearing on its *Petition Seeking Revocation of Certificate of Franchise Authority Held By Spirit Broadband, LLC* (“*Petition*”), scheduled before the Tennessee Public Utility Commission (“Commission”) at 9:00 a.m. CDT on July 13, 2021.<sup>1</sup>

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.<sup>2</sup>

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<sup>1</sup> Petitioner’s *Motion* refers to the originally scheduled Commission conference date of July 19, 2021, but for purposes of consideration, the Hearing Officer will consider the *Motion* a request concerning the rescheduled date of July 13, 2021.

<sup>2</sup> Tenn. Code Ann § 4-5-312(c).

In support of its request for telephonic participation, Cumberland Co. asserts that the matter before the Commission for consideration is a hearing for default judgment. Cumberland Co. also states that Spirit Broadband, LLC has been properly served but has not filed any responsive pleading or otherwise made an appearance. Cumberland Co. does not intend to call a witness for the hearing but will rely upon the documentation and Pre-Filed Testimony submitted with the *Petition*. Therefore, in accord with the above-referenced statute and considering the request timely made, the Hearing Officer grants Petitioner's *Motion*.

**IT IS THEREFORE ORDERED THAT:**

1. Counsel for Cumberland County, Tennessee may appear, participate, and submit argument by telephone in the hearing noticed for July 13, 2021 at 9:00 a.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 hearing**.



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Aaron J. Conklin, Hearing Officer