

# BUTLER | SNOW

July 28, 2021

**VIA ELECTRONIC FILING**

Hon. Kenneth C. Hill, Chairman  
c/o Ectory Lawless, Docket Room Manager  
Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243  
[TPUC.DocketRoom@tn.gov](mailto:TPUC.DocketRoom@tn.gov)

Electronically Filed in TPUC Docket Room  
on July 28, 2021 at 3:16 p.m.

**RE: *Petition of Tennessee-American Water Company Regarding The 2021  
Production Costs and Other Pass-Throughs Rider, TPUC Docket No. 21-00006***

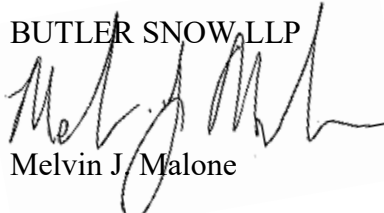
Dear Chairman Hill:

Attached for filing is Tennessee-American Water Company's *Motion to Appear and Participate at Hearing Telephonically* in the above-captioned matter.

As required, one (1) hard copy will be mailed to your office. 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: Todd Wright, TAWC  
Karen H. Stachowski, Consumer Advocate Unit

*The Pinnacle at Symphony Place  
150 3<sup>rd</sup> Avenue South, Suite 1600  
Nashville, TN 37201*

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BUTLER SNOW LLP

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

<b>IN RE:</b>	)	
	)	
<b>PETITION OF TENNESSEE-AMERICAN WATER COMPANY REGARDING THE 2021 PRODUCTION COSTS AND OTHER PASS-THROUGHS RIDER</b>	)	<b>DOCKET NO. 21-00006</b>
	)	
	)	

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

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Tennessee-American Water Company (“Tennessee-American,” “TAWC” or “Petitioner”) anticipates that the hearing in the above-captioned matter (the “Hearing”) may be set by the Tennessee Public Utility Commission (the “Commission”) for August 9th, 2021, at 10:00 A.M. (CST), in the Conference Room located on the Fourth Floor of the Andrew Jackson State Office Building, 502 Deaderick Street, Nashville, Tennessee 37243.

In light of the foregoing, pursuant to Tenn. Code Ann. § 4-5-312(c) Tennessee-American 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, Tennessee-American hereby respectfully requests that its witness be allowed to participate in the Hearing telephonically because personal appearance by TAWC's witness, who will be working outside of Middle Tennessee on the date of the Hearing, would be burdensome.

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

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

2. Petitioner 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 Petitioner 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

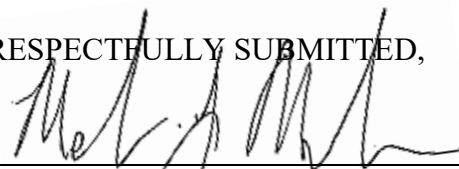
shall sign a conforming Witness Certification in the form attached hereto as Exhibit A<sup>1</sup> or in such format ordered by the Commission or Hearing Officer.

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 Petition.

**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 28<sup>th</sup> day of July, 2021,

RESPECTFULLY SUBMITTED,



MELVIN J. MALONE (BPR #013874)  
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Phone: (615) 651-6705

*Attorneys for Tennessee-American Water Company*

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<sup>1</sup> To the extent the Commission has any issue with the form of Witness Certification or Affidavit attached hereto, please let Petitioner's counsel know, such that they can revise accordingly.

# **EXHIBIT A**

*[See attached.]*

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

**IN RE:**

**PETITION OF TENNESSEE-AMERICAN  
WATER COMPANY REGARDING THE  
2021 PRODUCTION COSTS AND  
OTHER PASS-THROUGHS RIDER**

**DOCKET NO. 21-00006**

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**WITNESS CERTIFICATION**

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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 \_\_\_\_\_, 20\_\_\_\_.

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**Signature of Witness**

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**Name of Witness (Printed)**

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

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WATER COMPANY REGARDING THE  
2021 PRODUCTION COSTS AND  
OTHER PASS-THROUGHS RIDER**

**DOCKET NO. 21-00006**

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**NOTARY PUBLIC AFFIDAVIT**

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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: \_\_\_\_\_

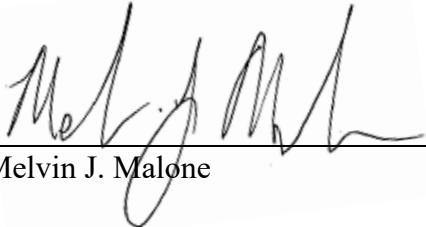


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Karen H. Stachowski  
Assistant Attorney General  
Office of the Tennessee Attorney General  
Financial Division, Consumer Advocate Unit  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
[karen.stachowski@ag.tn.gov](mailto:karen.stachowski@ag.tn.gov)

This the 28<sup>th</sup> day of July, 2021.



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Melvin J. Malone