

July 28, 2021

VIA ELECTRONIC FILING

Electronically Filed in TPUC Docket Room on July
28, 2021 at 3:14 p.m

Hon. Kenneth C. Hill, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
TPUC.DocketRoom@tn.gov

**RE: *Petition of Tennessee-American Water Company in Support of the Calculation
of the 2021 Capital Recovery Riders Reconciliation,*
TPUC Docket No. 21-00030**

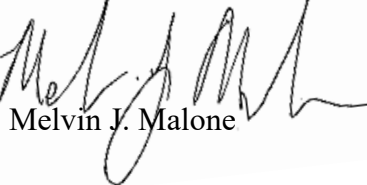
Dear Chairman Hill:

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

Rachel Bowen, Consumer Advocate Unit

Vance Broemel, Consumer Advocate Unit

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

PETITION OF TENNESSEE-AMERICAN)	
WATER COMPANY IN SUPPORT OF)	
THE CALCULATION OF THE 2021)	DOCKET NO. 21-00030
CAPITAL RECOVERY RIDERS)	
RECONCILIATION)	

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 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.

Pursuant to Tenn. Code Ann. § 4-5-312(c), Tennessee-American Water Company (“Tennessee-American,” “TAWC” or “Petitioner”) 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, Todd Wright, be allowed to participate in the Hearing

telephonically because personal appearance by Mr. Wright, who will be working outside of the state 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's 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 persons, 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 A¹ or in such format ordered by the Commission or Hearing Officer.

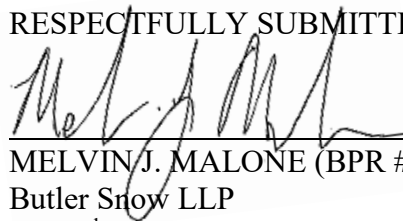
¹ To the extent the Commission has any issue with the form of Witness Certification or Affidavit attached hereto, please let Petitioner's counsel know, such that they can revise accordingly.

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 28th day of July, 2021,

RESPECTFULLY SUBMITTED,



MELVIN J. MALONE (BPR #013874)

Butler Snow LLP

150 3rd Avenue South, Suite 1600

Nashville, TN 37201

melvin.malone@butlersnow.com

Phone: (615) 651-6705

Attorneys for Tennessee-American Water Company

EXHIBIT A

[See attached.]

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

**PETITION OF TENNESSEE-AMERICAN)
WATER COMPANY IN SUPPORT OF)
THE CALCULATION OF THE 2021)
CAPITAL RECOVERY RIDERS)
RECONCILIATION)**

DOCKET NO. 21-00030

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 _____, 20____.

Signature of Witness

Name of Witness (Printed)

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NASHVILLE, TENNESSEE**

**PETITION OF TENNESSEE-AMERICAN)
WATER COMPANY IN SUPPORT OF)
THE CALCULATION OF THE 2021)
CAPITAL RECOVERY RIDERS)
RECONCILIATION)**

DOCKET NO. 21-00030

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: _____

CERTIFICATE OF SERVICE

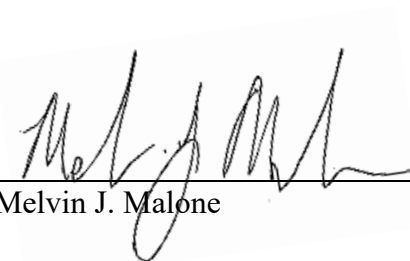
I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Rachel C. Bowen
Counsel for the Consumer Advocate Unit
rachel.bowen@ag.tn.gov

Vance L. Broemel
Senior Assistant Attorney General
vance.broemel@ag.tn.gov

Office of the Tennessee Attorney General
Financial Division, Consumer Advocate Unit
P.O. Box 20207
Nashville, TN 37202-0207

This the 28th day of July, 2021.



Melvin J. Malone