

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 3, 2022

IN RE:)	
)	
APPLICATION OF LIMESTONE WATER UTILITY)	DOCKET NO.
OPERATING COMPANY, LLC, FOR AUTHORITY TO SELL)	21-00055
OR TRANSFER TITLE TO THE ASSETS, PROPERTY, AND)	
REAL ESTATE OF A PUBLIC UTILITY, SHILOH FALLS)	
UTILITIES, INC. AND FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	
APPLICATION OF LIMESTONE WATER UTILITY)	DOCKET NO.
OPERATING COMPANY, LLC, FOR AUTHORITY TO SELL)	21-00059
OR TRANSFER TITLE TO THE ASSETS, PROPERTY, AND)	
REAL ESTATE OF A WATER SYSTEM, CANDLEWOOD)	
LAKES, AND FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	
APPLICATION OF LIMESTONE WATER UTILITY)	DOCKET NO.
OPERATING COMPANY, LLC, FOR AUTHORITY TO SELL)	21-00060
OR TRANSFER TITLE TO THE ASSETS, PROPERTY, AND)	
REAL ESTATE OF A WASTEWATER SYSTEM, CHAPEL)	
WOODS, AND FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING
FOR LIMESTONE WITNESS JOSIAH COX

This matter is before the Hearing Officer upon the *Motion to Appear and Participate Telephonically at Hearing* (“*Motion*”) filed on September 30, 2022. In its *Motion*, Limestone seeks permission for its witness, Josiah Cox, President of Limestone Water Utility Operating Company, LLC (“Limestone”), to participate by telephone in the hearings on its applications to purchase and receive the utility systems of Shiloh Falls Utilities, Inc., Candlewood Lakes, and Chapel Woods, in the docket files styled above. The above dockets are set for hearing during the

regularly scheduled Tennessee Public Utility Commission Conference beginning at 9:00 a.m. (central time) on October 10, 2022.

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.¹

In its *Motion*, Limestone states that its witness, Mr. Cox, resides out of state and that personal appearance during the hearings would be burdensome. As such, in accordance with the above-referenced statute and considering that the request was timely filed, the Hearing Officer grants Limestone's *Motion*, 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 witnesses.

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 always remain in the presence of the witness 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

¹ Tenn. Code Ann § 4-5-312(c).

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, Exhibit A contains sample forms of the *Witness Certification and Notary Public Affidavit*.)

5. An 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 petitioner's applications in the relevant dockets.

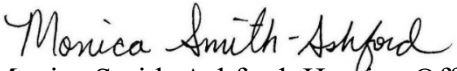
IT IS THEREFORE ORDERED THAT:

1. Subject to the conditions set forth in this Order, Limestone Water Utility Operating Company, LLC's witness, Josiah Cox, may appear and participate by telephone in the hearing to be held during the Commission Conference on October 10, 2022, beginning at 9:00 a.m. (central time).

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 at 9:00 a.m. (central time).

BE IT SO ORDERED.

For the Commission:


Monica Smith-Ashford, Hearing Officer

cc: Interested Parties
Original in Docket File

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

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 complied 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: _____)
_____) **Docket No. 00-00000**
(Case Style) _____)
_____)
_____)
_____)

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 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 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 Commission panel or Hearing Officer.

6. 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: