

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

October 28, 2021

IN RE:)	
)	
PETITION OF CHATTANOOGA GAS)	DOCKET NO. 21-00093
COMPANY FOR AN APPROVAL OF)	
NEGOTIATED FRANCHISE)	
AGREEMENT WITH THE CITY OF)	
CHATTANOOGA, TENNESSEE		
PURSUANT TO TENNESSEE CODE		
ANNOTATED § 65-4-107		

MOTION TO APPEAR AND PARTICIPATE AT HEARING TELEPHONICALLY

The hearing in the above-captioned matter (the “Hearing”) has been set by the Tennessee Public Utility Commission (the “Commission”) for November 1, 2021, at 9:00 A.M. (CST), in the Conference Room located on the Ground 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) Chattanooga Gas Company (“CGC” 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, CGC hereby respectfully requests that its witness be allowed to participate in the Hearing telephonically because personal appearance by CGC's witness would be burdensome due to the hospitalization of a family member of CGC's witness.

If this Motion is granted, CGC 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 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 Petition.

Wherefore, based on the foregoing, CGC respectfully requests that the Commission enter an Order granting its Motion to Appear and Participate at Hearing Telephonically.

Respectfully submitted this 28th day of October, 2021,

Respectfully submitted,



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Attorney for Chattanooga Gas Company

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.

EXHIBIT A

[See attached.]

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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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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: _____