

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 2, 2021

IN RE:

PETITION OF CARTWRIGHT CREEK, LLC
REQUESTING APPROVAL OF CAPITAL
IMPROVEMENTS

)
)
) DOCKET NO.
) 21-00119
)

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the *Motion to Allow Witness to Participate Telephonically at Hearing* (“*Motion*”) filed by Cartwright Creek, LLC (“Cartwright Creek” or “Petitioner”) on December 1, 2021. In its *Motion*, Cartwright Creek seeks permission for its witness, Bruce Meyer, to participate by telephone in the hearing in the above-captioned matter to be held during the regularly scheduled Commission Conference beginning at 9:00 a.m. (CST) on December 6, 2021. Cartwright Creek requests that its witness be allowed to testify by phone because he is homebound for medical reasons and cannot attend the hearing in person.¹ Cartwright Creek states that after the hearing, it will obtain a copy of the transcript of the proceedings and file an affidavit from Mr. Meyer attesting to the truth of his testimony given before the Commission as reflected in the transcript.² 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

¹ *Motion*, p. 1 (December 1, 2021).

² *Id.* 1-2.

proceedings while taking place.³

In accordance with the above-referenced statute and considering that the request was timely filed and that personal appearance by the witness would be burdensome, the Hearing Officer grants Cartwright Creek'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 witness.

2. Due to the witness's extenuating circumstances, after the hearing, the Petitioner shall obtain a copy of the transcript and file with the Docket Manager an affidavit from Mr. Meyer attesting to the truth of his testimony given during the December 6, 2021 hearing before the Commission, as reflected in the transcript.

3. Should the required document 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 *Petition*.

IT IS THEREFORE ORDERED THAT:

1. Subject to the conditions set forth in this Order, Cartwright Creek, LLC's witness may appear and participate by telephone in the hearing to be held on December 6, 2021, at 9:00 a.m. (CST).

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.



Monica Smith-Ashford, Hearing Officer

³ Tenn. Code Ann § 4-5-312(c).