

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 2, 2021

IN RE:

**APPLICATION OF KINGSPORT POWER COMPANY
D/B/A AEP APPALACHIAN POWER FOR PERMISSION
TO MAKE NOTES TO EVIDENCE INDEBTEDNESS NOT
TO EXCEED \$20,000,000 THROUGH DECEMBER 31,
2023**

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**DOCKET NO.
21-00125**

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the *Motion for Leave to Appear as Witness by Telephone* (“*Motion*”) filed by Kingsport Power Company d/b/a AEP Appalachian Power (“KPC” or “Petitioner”) on November 24, 2021. In its *Motion*, KPC seeks permission for its witness, Franz Messner, 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. KPC requests that its witness be allowed to testify by phone “[d]ue to the circumstances and existing conflicts.”¹ KPC states a notary will be present to administer the oath to Mr. Messner and remain with him during his testimony. 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,

¹ *Motion*, p. 1 (November 24, 2021).

to see the entire proceedings while taking place.²

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 KPC'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. Petitioner is solely responsible for and shall be required to secure a properly licensed Notary Public, in good standing, in the State or jurisdiction where the witness is giving testimony. During the hearing, the Notary Public shall be in the same physical location and remain 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 remain in the presence of the witness at all times during the witness's testimony until 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 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. The 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-

² Tenn. Code Ann § 4-5-312(c).

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 *Petition*.

IT IS THEREFORE ORDERED THAT:

1. Subject to the conditions set forth in this Order, Kingsport Power Company d/b/a AEP Appalachian Power'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.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid.

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)

EXHIBIT A

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

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.

EXHIBIT A

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:

EXHIBIT A