

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

<b>PETITION OF ATMOS ENERGY</b>	)	
<b>CORPORATION FOR APPROVAL</b>	)	
<b>OF ITS 2022 ANNUAL RATE REVIEW</b>	)	<b>DOCKET NO. 22-00010</b>
<b>FILING PURSUANT TO TENN.</b>	)	
<b>CODE ANN. § 65-5-103(d)(6)</b>	)	

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**MOTION TO APPEAR AND PARTICIPATE AT HEARING TELEPHONICALLY**

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The hearing in the above-captioned matter (the "Hearing") is set by the Tennessee Public Utility Commission ("TPUC" or the "Commission") for May 9, 2022 at 1:00 p.m. (CST), in Conference Room G.201 located on the Ground Floor of the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee 37243.

Pursuant to Tenn. Code Ann. 4-5-312(c), the Consumer Advocate (the "Intervenor") 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, Intervenor hereby respectfully requests that its witness be allowed to participate in the Hearing telephonically because personal appearance by the Intervenor's witness, David N. Dittmore, who is home with a covid positive family member, and may still be in quarantine on the date of the Hearing or may be addressing a serious family matter on the date of the hearing, would be burdensome.

If this Motion is granted, Intervenor agrees that its telephonic appearance and participation in the Hearing will be subject to the following conditions:

1. Intervenor's Tennessee attorney shall appear personally at the Hearing to present and facilitate questioning of Intervenor's witness.

2. Intervenor 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. The Intervenor will endeavor to have such a Notary Public physically with the Mr. Dittmore if he is physically present in Nashville, Tennessee.

3. The Notary Public obtained by Intervenor 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 Collective Exhibit A<sup>1</sup> or in such format ordered by the Commission or Hearing Officer.

5. The original Witness Certification and Notary Public Affidavit must be postmarked within five (5) days of the Hearing and received by the Hearing Officer via postage-paid U.S. Mail


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<sup>1</sup> To the extent the Commission has any issue with the form of Witness Certification or Affidavit attached hereto, please let Intervenor's counsel know, such that we can revise accordingly.

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 Application.

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 2<sup>nd</sup> day of May, 2022.

  
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Attorneys for Intervenor, Consumer Advocate

# COLLECTIVE EXHIBIT A

[See attached.]

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**WITNESS CERTIFICATION**

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Affiant, duly sworn according to law, states as follows:

I, \_\_\_\_\_, attest and certify that on the \_\_\_\_ day of 2022, 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 \_\_\_\_\_, 2022.

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Signature of Witness

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Name of Witness (Printed)

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**NOTARY PUBLIC AFFIDAVIT**

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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 \_\_\_\_\_, 2022.

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 \_\_\_\_\_, 2022.

(OFFICIAL SEAL)

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
NOTARY PUBLIC (Printed)

My Commission Expires: \_\_\_\_\_