

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 5, 2022

IN RE:)	
)	
TENNESSEE-AMERICAN WATER COMPANY)	DOCKET NO.
PETITION IN SUPPORT OF THE CALCULATION OF)	22-00021
THE 2022 CAPITAL RECOVERY RIDERS)	
RECONCILIATION)	

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Hearing Officer upon the *Motion to Appear and Participate at Hearing Telephonically* (“*Motion*”) filed by Tennessee-American Water Company (“TAWC”) on August 4, 2022. In its *Motion*, TAWC seeks permission for its witness, Grady Stout, 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. (CDT) on August 8, 2022. TAWC requests that its witness be allowed to testify by phone because Mr. Stout will be working outside of Middle Tennessee on the date of the hearing and personal appearance would be burdensome. According to TAWC, it expects that its primary witness, Robert Lane, will be able to summarize the Stipulation and Settlement Agreement and answer any questions, but Mr. Stout submitted testimony and will be available for questions.¹

Under the Tennessee Uniform Administrative Procedures Act, decisions involving

¹ The Hearing Officer notes that TAWC filed this *Motion* in an abundance of caution and the Hearing Officer will rule on it. However, the Hearing Officer does not consider such *Motion* necessary in order for a witness to be available by telephone to answer potential questions of the Commission that may arise during the hearing if the witness will not be testifying.

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.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 TAWC's *Motion*, subject to compliance with the following conditions³:

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*

² Tenn. Code Ann § 4-5-312(c).

³ In its *Motion*, TAWC states it will comply with these conditions if its *Motion* is granted.

*Certification.*⁴

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-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, Tennessee-American Water Company's witness may appear and participate by telephone in the hearing to be held on August 8, 2022, at 9:00 a.m. (CDT).

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

cc: Interested Parties
Original in Docket File

⁴ The *Witness Certification* and *Notary Public Affidavit* forms attached to TAWC's *Motion* as Exhibit A are satisfactory to use to comply with this requirement.