



Ms. Dielman and Mr. Cope request to testify by telephone.”<sup>1</sup>

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 proceedings while taking place.<sup>2</sup>

On June 9, 2023, a letter was filed with the Commission stating that there are no outstanding disputes, and the matter is ripe for consideration. During the Pre-Hearing Conference held on June 12, 2023, it was determined that Witnesses Dielman and Cope would not present summaries of their pre-filed testimonies but would be available on the phone in case the Commissioners or Commission Staff had questions. Therefore, it is not anticipated that there will be a need to have Witnesses Dielman and Cope sworn in. In its *Motion*, KPC states it will have notaries available with the witnesses in case the need to swear them in arises. In accordance with the above-referenced statute and considering that the request was timely filed and that personal appearance by the witnesses who reside in Ohio and West Virginia would be burdensome, the Hearing Officer grants KPC’s *Motion*.

If the witnesses need to testify, they may do so by telephone 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 witnesses.
2. Petitioner is required and solely responsible for securing a properly licensed Notary Public, in good standing, in the State or jurisdiction where the witness is giving telephonic

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<sup>1</sup> *Motion*, p. 1 (June 7, 2023).

<sup>2</sup> Tenn. Code Ann § 4-5-312(c).

testimony. During the hearing, the Notary Public shall be in the same physical location and appear 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 such time as 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-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 witnesses may appear and participate by telephone in the hearing to be held on June 20, 2023, at 10:00 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 833-414-5951 and enter Account code: 8810# 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, with the first name "Monica" being larger and more prominent than the last name "Smith-Ashford".

Monica Smith-Ashford, Hearing Officer

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**IN RE:**

**(Case Style)**

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**Docket No. 00-00000**

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

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**SIGNATURE OF WITNESS**

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**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**

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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 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\_\_\_\_.

3. During the hearing, I properly administered the testimonial oath to the Witness before he/she testified by telephone before the Tennessee Public Utility Commission.

4. 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.

5. 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**

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**NOTARY PUBLIC (Printed)**

My Commission Expires: