BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

May 16, 2024

IN RE:)
JOINT APPLICATION OF LIMESTONE WATER) DOCKET NO.
UTILITY OPERATING COMPANY, LLC AND	23-00037
INTEGRATED RESOURCE MANAGEMENT, INC. D/B/A)
IRM UTILITY, INC., FOR APPROVAL OF THE)
ACQUISITION OF AND TO OPERATE THE)
WASTEWATER SYSTEM OF INTEGRATED RESOURCE)
MANAGEMENT, INC. D/B/A IRM UTILITY, INC. IN)
DECATUR COUNTY, TENNESSEE AND TO TRANSFER)
OR ISSUE A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)

ORDER GRANTING ELECTRONIC PARTICIPATION IN HEARING

This matter is before the Administrative Judge upon the *Motion to Appear and Participate at Hearing Telephonically* ("*Motion*") filed by Limestone Water Utility Operating Company, LLC ("Limestone") on May 10, 2024. In its *Motion*, Limestone seeks permission for its witness, Brent G. Thies, to participate by telephone in the hearing in the above-captioned matter to be held during the regularly scheduled Commission Conference beginning at 10:00 a.m. (CDT) on May 20, 2024. Limestone requests that its witness be allowed to testify by phone because Mr. Thies will be working outside of Tennessee on the date of the hearing and personal appearance would be burdensome.

Under the Tennessee Uniform Administrative Procedures Act, decisions involving telephone participation in a hearing are within the Administrative Judge'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.¹

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 Administrative Judge grants Limestone's *Motion*, subject to compliance with the following conditions²:

- 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*.³

² In its *Motion*, Li8mestone states it will comply with these conditions if its *Motion* is granted.

¹ Tenn. Code Ann § 4-5-312(c).

³ The *Witness Certification* and *Notary Public Affidavit* forms attached to Limestone000000000's *Motion* as Exhibit A are satisfactory to use to comply with this requirement.

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, Limestone Water Utility Operating

Company, LLC's witness may appear and participate by telephone in the hearing to be held on

May 20, 2024, 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

Guest Passcode: 8810# at least five (5) minutes before the start time set for the Commission

Conference. The Commission Conference will begin promptly.

Monica Smith-Ashford, Administrative Judge

cc: Interested Parties

Original in Docket File

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