

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

¹ Tenn. Code Ann § 4-5-312(c).

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

³ The *Witness Certification* and *Notary Public Affidavit* forms attached to Limestone'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 August 5, 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