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November 8, 2024

VIA ELECTRONIC FILING

Hon. David Jones, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
TPUC.DocketRoom@tn.gov

Electronically Filed in TPUC Docket
Room November 8, 2024 at 2:35 p.m.

RE: *Joint Application of Limestone Water Utility Operating Company, LLC, and Cumberland Basin Wastewater Systems, LLC, for Approval of the Acquisition of and to Operate the Wastewater System of Cumberland Basin Wastewater Systems, LLC, and to Issue a Certificate of Public Convenience and Necessity, TPUC Docket No. 23-00077*

Dear Chairman Jones:

Attached for filing please find Limestone Water Utility Operating Company, LLC's *Motion to Appear and Participate at Hearing Telephonically* for witness Aaron Silas in the above-captioned matter.

As required, the original plus four (4) hard copies will be mailed to your office. Should you have any questions concerning this filing, or require additional information, please do not hesitate to contact me.

Sincerely,

BUTLER SNOW LLP



Katherine Barnes

clw

Attachment

cc: Russ Mitten, Limestone Water Utility Operating Company, LLC
Tim Huddleston, Cumberland Basin Wastewater Systems, LLC
Shilina B. Brown, Consumer Advocate Division
Victoria B. Glover, Consumer Advocate Division

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BUTLER SNOW LLP

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

IN RE:	)	
	)	
JOINT APPLICATION OF LIMESTONE	)	
WATER UTILITY OPERATING	)	
COMPANY, LLC AND CUMBERLAND	)	
BASIN WASTEWATER SYSTEMS, LLC	)	
FOR APPROVAL OF THE	)	DOCKET NO. 23-00077
ACQUISITION OF AND TO OPERATE	)	
THE WASTEWATER SYSTEM OF	)	
CUMBERLAND BASIN WASTEWATER	)	
SYSTEMS, LLC, AND TO ISSUE A	)	
CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY	)	

MOTION TO APPEAR AND PARTICIPATE AT HEARING TELEPHONICALLY

The hearing in the above-captioned matter (the “Hearing”) is set by the Tennessee Public Utility Commission (the “Commission”) for November 18, 2024, at 10:00 A.M. (CST), in Hearing Room G.201 located on the Ground Floor of the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee.

Pursuant to Tenn. Code Ann. § 4-5-312(c) Limestone Water Utility Operating Company, LLC (“Limestone”) 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, Limestone hereby respectfully requests that its witness, Aaron Silas, be allowed to participate in the Hearing telephonically because personal appearance by Limestone's witness, who will be working outside of Tennessee on the date of the Hearing, would be burdensome.

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

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

3. The Notary Public obtained by Petitioner 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 Exhibit A¹ or in such format ordered by the Commission or Hearing Officer.

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

Wherefore, based on the foregoing, Limestone Water Utility Operating Company, LLC respectfully requests that the Commission enter an Order granting its Motion to Appear and Participate at Hearing Telephonically.

Respectfully submitted this 8th day of November 2024.

RESPECTFULLY SUBMITTED,



Melvin Malone (BPR No. 013874)
Katherine Barnes (BPR No. 032456)
Butler Snow LLP
The Pinnacle at Symphony Place
150 Third Avenue South, Suite 1600
Nashville, TN 37201
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*Attorneys for Applicant Limestone Water Utility
Operating Company, LLC*

¹To the extent the Commission has any issue with the form of Witness Certification or Affidavit attached hereto, Petitioner's counsel can revise accordingly upon notification and identification of the issue by the Commission.

EXHIBIT A

[See attached.]

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

IN RE:)
)
JOINT APPLICATION OF LIMESTONE)
WATER UTILITY OPERATING)
COMPANY, LLC AND CUMBERLAND)
BASIN WASTEWATER SYSTEMS, LLC)
FOR APPROVAL OF THE)
ACQUISITION OF AND TO OPERATE)
THE WASTEWATER SYSTEM OF)
CUMBERLAND BASIN WASTEWATER)
SYSTEMS, LLC, AND TO ISSUE A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)

DOCKET NO. 23-00077

WITNESS CERTIFICATION

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 was in accordance with the highest ethical and legal standards.

FURTHER WITNESS SAITH NOT.

WITNESS my hand, at office, this _____ day of _____, 20____.

Signature of Witness

Name of Witness (Printed)

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

IN RE:)
)
JOINT APPLICATION OF LIMESTONE)
WATER UTILITY OPERATING)
COMPANY, LLC AND CUMBERLAND)
BASIN WASTEWATER SYSTEMS, LLC)
FOR APPROVAL OF THE)
ACQUISITION OF AND TO OPERATE)
THE WASTEWATER SYSTEM OF)
CUMBERLAND BASIN WASTEWATER)
SYSTEMS, LLC, AND TO ISSUE A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)

DOCKET NO. 23-00077

NOTARY PUBLIC AFFIDAVIT

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 _____, 20____.

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 _____, 20__.

(OFFICIAL SEAL)

NOTARY PUBLIC

NOTARY PUBLIC (Printed)

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Shilina B. Brown, Esq.
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate Division
P.O. Box 20207
Nashville, TN 37202-0207
Shilina.Brown@ag.tn.gov

Victoria B. Glover, Esq.
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate Division
P.O. Box 20207
Nashville, TN 37202-0207
Victoria.Glover@ag.tn.gov

This the 8th day of November 2024.



Katherine Barnes