

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 20, 2024

IN RE:

PETITION OF TENNESSEE-AMERICAN WATER
COMPANY TO MODIFY TARIFF, CHANGE AND
INCREASE CHARGES, FEES, AND RATES, AND FOR
APPROVAL OF A GENERAL RATE INCREASE

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DOCKET NO.
24-00032

ORDER GRANTING CONSUMER ADVOCATE WITNESS ELECTRONIC PARTICIPATION
IN HEARING

This matter is before the Administrative Judge upon the *Motion to Appear and Participate at Hearing Electronically* (“*Motion*”) filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on November 19, 2024. In its *Motion*, the Consumer Advocate seeks permission for its witness, David N. Dittmore, to participate electronically in the hearing in the above-captioned matter. The Consumer Advocate requests that its witness be allowed to testify electronically because Mr. Dittmore has become ill and personal appearance at the hearing would be burdensome.

Under the Tennessee Uniform Administrative Procedures Act, decisions involving electronic 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 an unexpected illness

¹ Tenn. Code Ann § 4-5-312(c).

has made personal appearance by the witness burdensome, the Administrative Judge grants the Consumer Advocate's *Motion*, subject to compliance with the following conditions²:

1. The Consumer Advocate's attorney shall appear personally at the hearing to present and facilitate questioning of the witness.
2. The Consumer Advocate's attorney shall provide the Administrative Judge with the witness's correct email address so that the WebEx video link can be emailed to the witness prior to the hearing.
3. The witness should join the WebEx videoconference link at least five (5) minutes before the witness is scheduled to provide testimony, turn the camera off, and mute the microphone until called to testify.
4. The witness shall have the technological resources to access the WebEx videoconferencing platform so that the witness can be seen and heard clearly via the provided WebEx link for the hearing.
5. If the witness is unable to comply with these conditions or technological difficulties prevents the use of the WebEx videoconferencing platform for the witness testimony during the hearing, the witness's testimony may have to be postponed.

IT IS THEREFORE ORDERED THAT:

1. Subject to the conditions set forth in this Order, the Consumer Advocate Division of the Office of the Tennessee Attorney General's witness may appear and participate electronically in the hearing in TPUC Docket No. 24-00032.
2. To avoid disruption of the proceedings, persons authorized to participate electronically

² In its *Motion*, the Consumer Advocate states it will comply with certain conditions the Commission has previously imposed for allowing witnesses to participate electronically. However, the hearing in Docket No. 24-00032 will use the WebEx videoconferencing platform, and the witness will appear on camera and be subject to the conditions set forth in this Order.

shall join the WebEx videoconferencing link at least **five (5) minutes before time for the witness to testify.**


Monica Smith-Ashford, Administrative Judge

cc: Interested Parties
Original in Docket File