

ORIGINAL

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Sent: Wednesday, March 16, 2005 1:49 PM
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Subject: FW: Docket No. 050111-TP
Attachments: Request for oral argument 03.16.05.pdf; Motion to dismiss protest 03.16.05.pdf

Pursuant to the Commission's procedures for e-filing, MCG Captial Corporation, IDS Telcom Corp. and IDS Telcom LLC (Petitioners) provide the following information:

a. The attorney responsible for this filing is:

Vicki Gordon Kaufman
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b. The documents are to be filed in Docket No. 050111-TP.

c. The documents are filed on behalf of Petitioners.

d. The filing consists of two pleadings: Motion to Dismiss (15 pages) & Request for Oral Argument (3 pages).

e. The documents are a Motion to Dismiss and a Request for Oral Argument.

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ORAL ARGUMENT
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 02572 MAR 16 05
 FPSC-COMMISSION CLERK

MOTION
 DOCUMENT NUMBER-DATE
 02573 MAR 16 05
 FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition of MCG Capital Corporation, IDS Telcom Corp. and IDS Telcom LLC for approval for name change and transfer of CLEC Certificate No. 5228 from IDS Telcom LLC to IDS Telcom Corp.; for waiver of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection in connection with the sale of customer-based and other assets from IDS Telcom LLC to IDS Telcom Corp.; and for acknowledgment of registration of IDS Telcom Corp. as intrastate interexchange telecommunications company effective February 8, 2005.

DOCKET NO. 050111-TP

Filed: March 16, 2005

**MCG CAPITAL CORPORATION, IDS TELCOM CORP.,
AND IDS TELCOM LLC'S
REQUEST FOR ORAL ARGUMENT**

MCG Capital Corporation, IDS Telcom Corp. and IDS Telcom LLC (Petitioners), pursuant to rule 25-22.058, Florida Administrative Code, request the opportunity to present oral argument in support of Petitioners, Motion to Dismiss filed simultaneously herewith. As grounds therefore, Petitioners state:

1. On March 4, 2005, the Commission issued Order No. PSC-05-0251-PAA-TP in which it approved the requested transfer and waiver, finding them to be in the public interest.
2. On March 11, 2005 Phyllis Heiffer (Heiffer) filed a Petition for a Formal Proceeding and Objection to Application (Objection).

3. On March 15, 2005, Petitioners filed a Motion to Dismiss Heiffer's Objection because Heiffer lacks standing and because the Commission lacks jurisdiction to address her "claims."

4. Petitioners believe that Oral Argument on the matters raised in Petitioners' Motion to Dismiss will aide the Commission in its deliberations on Petitioners' Motion.

WHEREFORE, Petitioners that granted Oral Argument be scheduled on their Motion to Dismiss.

S/Vicki Gordon Kaufman

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Corporation and IDS Telcom Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Oral Argument was served by electronic mail and U.S. Mail this 16th day of March, 2005 to the following parties of record:

Beth Keating
Dovie Rockette-Gray
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2540 Shumark Oak Boulevard
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S/ Vicki Gordon Kaufman_____

Vicki Gordon Kaufman