

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 5, 2005

RE: Docket No. 050111-TP - 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.

Issue 1: Should the Commission grant MCG's request for oral argument?

Recommendation: Yes. Staff recommends that MCG's request for oral argument be granted. Staff also recommends each party be allowed approximately ten minutes to present its argument if oral argument is granted.

DENIED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Lisa Edge
Shirley Bradley
Mark...
J. Terry...
Frank M. Dard

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03324 APR-5 05

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Issue 2: Should the Commission grant MCG's Motion to Dismiss?

Recommendation: Yes. Accepting all of the allegations in Ms. Heiffer's Protest as true, Ms. Heiffer has failed to adequately allege standing and has thereby failed to state a cause of action upon which relief can be granted. Therefore, MCG's Motion to Dismiss should be granted, Order No. PSC-05-0251-PAA-TP should be reinstated and consummated as a final order, and this Docket should be closed.

APPROVED