

**Before the  
TENNESSEE REGULATORY AUTHORITY**

<b>Application of</b>	)	
	)	
<b>MCC Telephony of the South, LLC</b>	)	
	)	<b>Docket No. 09-00204</b>
<b>for Authority to Provide</b>	)	
<b>Competitive Local Exchange and</b>	)	
<b>Interexchange Telecommunications</b>	)	
<b>Services in the State of Tennessee</b>	)	

**MOTION TO APPEAR AND PARTICIPATE TELEPHONICALLY AT HEARING**

MCC Telephony of the South, LLC ("MCC Telephony"), is in receipt of the Notice of Hearing in the above captioned matter. The Notice sets a hearing date of Monday, March 22, 2010 at 1:00 p.m. (CDT) in the Hearing Room on the Ground Floor at 460 James Robertson Parkway, Nashville, Tennessee.

Pursuant to Tenn. Code Ann. § 4-5-312(c), MCC Telephony submits this Motion to Appear and Participate Telephonically at Hearing and provides the following in support of this Motion:

Tenn. Code Ann. § 4-5-312(c) addresses electronic participation at a hearing as follows:

(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.

In accord with the above referenced statute, MCC Telephony hereby respectfully requests

to participate in its hearing telephonically because personal attendance of company representatives and witness, who reside in New York, would be burdensome.

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

1. MCC Telephony 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 physically appear with any company representative or witness who will be called at the Hearing to give live testimony or to ratify pre-filed testimony.

2. The Notary Public obtained by MCC Telephony shall be duly authorized to administer the 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 Hearing Officer.

3. Following the conclusion of the Hearing, the Notary Public shall prepare and sign an Affidavit, affirming the proven identity of the witness, the fact that such person was sworn by the Notary Public, and that testimony given by the sworn witness was in accordance with the highest ethical and legal standards as observed by the Notary Public. The Affidavit shall bear the official seal of the signing Notary Public, and the testifying witness shall also be required to sign a Witness Certification.

4. The Affidavit above 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 delivery. Should a proper Affidavit containing the affirmations noted above fail to be produced to the Hearing

Officer as set forth herein, the testimony of the witness shall be struck from the record, which may constitute grounds sufficient for denial of the Application.

Wherefore, based on the foregoing, MCC Telephony of the South, LLC respectfully requests that the Authority grant its Motion to Appear and Participate Telephonically at Hearing as described herein.

Respectfully submitted,

**MCC Telephony of the South, LLC**

By: 

H. LaDon Baltimore  
Farrar & Bates  
211 7<sup>th</sup> Ave., N., Ste 500  
Nashville, TN 37219  
(615) 254-3060  
Facsimile: (615) 254-9835  
don.baltimore@farrar-bates.com

Winafred R. Brantl  
KELLEY, DRYE AND WARREN, LLP  
3050 K Street, NW, Suite 400  
Washington, D.C. 20007  
(202) 342-8819  
Facsimile: (202) 342-8451  
WBrantl@kelleydrye.com

Its Counsel