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July 21, 2003

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Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

RE: In the Matter of the Application of Axon Telecom, L.L.C. to Cancel its Certificate of Service Authority and Tariffs in the State of Missouri

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original of the Application of Axon Telecom L.L.C. A copy of the foregoing Application has been hand-delivered, emailed or mailed this date to each party of record.

Thank you for your attention to this matter.

Sincerely,

James M. Fischer

James M. Feschen

Enclosures

cc: Mike Dandino, Office of the Public Counsel

Dana K. Joyce, General Counsel

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)		
Axon Telecom, L.L.C.)		
To Cancel its Certificate of Service)	Case No.	
Authority and Tariffs in the State of Missouri.)		

APPLICATION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY AND TARIFFS

COMES NOW Axon Telecom, L.L.C. ("Axon"), through its undersigned counsel, and pursuant to 4 CSR 240-2.060 and § 392.410(5), RSMo 2000, respectfully requests the Missouri Public Service Commission ("Commission") to cancel its Certificate of Service Authority and Tariff. In support of its Application, Axon states as follows:

- 1. Axon is a Kentucky corporation with principal offices located at 9133 U.S. Highway 60 West, Sturgis, Kentucky 42459. The Commission issued Axon a Certificate of Service Authority to provide intrastate interexchange telecommunications services within the state of Missouri in Case No. TA-2000-156 (September 24, 1999).
- 2. Axon's certificate of authority to do business from the Missouri secretary of state were provided in Case No. TA-2000-156. Pursuant to 4 CSR 240-2.060(G), Axon requests that the certificate be incorporated by reference herein.
- 3. Axon does not currently have any customers in the state of Missouri and, as its business plans have changed, Axon no longer intends to provide telecommunications service in Missouri. Accordingly, Axon does not have to notify anyone regarding discontinuance of service in Missouri.
- 4. Axon does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or

rates, which action, judgment or decision has occurred within three (3) years of the date of the application. AXON does not, to the best of its knowledge, have any overdue annual reports or assessment fees.

Contact Information

5. All communications, correspondence, and pleadings in regard to this application should be directed to:

Counsel for Applicant:

James M. Fischer, Esq. Larry W. Dority, Esq. FISCHER & DORITY, P.C. 101 Madison, Suite 400 Jefferson City, Missouri 65101

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For Axon:

Ms. Vickie Davis, General Counsel Axon Telecom, LLC 9133 U.S. Highway 60 West, P.O. Box 409 Sturgis, KY 42459

Tel: (270) 333-3369 ext. 237 Email: vdavis@axontelecom.com

Public Interest

6. Cancellation of Axon's Certificate of Service Authority and tariffs is not detrimental to the public interest. The public will not be harmed by Axon's withdrawal because, as stated above, Axon does not provide any telecommunications services to customers in Missouri, and thus, no customers will be affected. Furthermore, there are many other alternative

telecommunications providers from whom Missouri residents can purchase interexchange telecommunications services.

Conclusion

WHEREFORE, Axon Telecom, L.L.C. respectfully requests the Commission to issue an order canceling its certificate of service authority and tariffs and granting such other relief as is reasonable in the circumstances.

Respectfully submitted,

James M. Fischer

MBN 27543

Larry W. Dority

MBN 25617

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COUNSEL FOR APPLICANT

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by email or mailed, First Class, postage prepaid this $\frac{1}{2}$ day of July, 2003, to:

Office of the Public Counsel P.O. Box 7800 Jefferson City, MO 65102

Dana K. Joyce General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

James M. Fischer

VERIFICATION

State of Kentucky) ss. County of ()
I, Vickie Davis, being duly affirmed according to law, depose and say that I am authorized to make this affidavit on behalf of Axon Telecom, L.L.C. being the General Counsel of Axon Telecom, L.L.C., and that the facts above set forth are true and correct to the best of my knowledge, information and belief.
By: <u>Vickie Davis</u>
Title: General Counsel
Subscribed and affirmed to before me this 18th day of July, 2003.
Signature of official administering oath
My commission expires on the 8th day of December, 2003.