

THE LAW OFFICE OF TYLER PROCHNOW

June 27, 2003

FILED²

JUL 07 2003

Missouri Public
Service Commission

Missouri Public Service Commission
Attn: Secretary of Commission
Dale Hardy Roberts
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360

To Whom It May Concern:

Please find attached to this letter, an original and eight copies of the Application Of Evolution Networks Midwest, Inc. To Cancel Its Certificates Of Service Authority And Tariff, for filing with the Commission. I have also enclosed a self addressed stamped envelope for you to return a date and file-stamped copy of this filing.

Thank you in advance for your assistance in this matter. If you have any questions, comments or concerns with this filing, please contact me at (816) 448-3146.

Very truly yours,



Christopher Tyler Prochnow

Before the
PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²

JUL 07 2003

**Missouri Public
Service Commission**

In the Matter of the Application of)
Evolution Networks Midwest, Inc.)
to Cancel its Certificates of Service) Case No.
Authority and Tariff in the State of)
Missouri)

**APPLICATION OF EVOLUTION NETWORKS MIDWEST, INC.
TO CANCEL ITS CERTIFICATES OF SERVICE AUTHORITY AND TARIFF**

COMES NOW Evolution Networks Midwest, Inc. (the "Applicant" or "ENM"), through its parent company and successor in interest, Evolution Networks, Inc., and pursuant to Section 392.410.5, RSMo. 2000, and respectfully petitions the Missouri Public Service Commission (the "Commission") to cancel its Certificates of Service Authority and Tariff.¹ In support of its Application, ENM states as follows:

1. ENM is a certificated interexchange and nonswitched local exchange carrier in Missouri with its principal place of business located at 1428 15th Street, Denver, Colorado 80202 ENM, a Delaware corporation, was classified as a competitive telecommunications company by the Commission on September 29, 2000 in Case No. TA-2001-68, and granted a certificate of service authority to provide intrastate interexchange telecommunications service in the State of Missouri and also granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the State of Missouri limited to providing dedicated

¹ On December 31, 2002, ENM merged into its parent, Evolution Networks Inc., which company is winding down ENM's business affairs. A copy of the relevant Certificate of Ownership and Merger is attached hereto as Exhibit A.

private line services. ENM's Tariff No. 200100118 filed on August 7, 2000 was approved by the Commission and also became effective on September 29, 2000.

2. For financial reasons, ENM never exercised said authority, did not provide the authorized telecommunication services in Missouri, had no customers and has no existing customers, and has generated no revenues or expenses related to the provision of such services in the State of Missouri. ENM is now in the process of winding down its business and does not intend to provide telecommunications services in the State of Missouri.

3. All correspondence, communications, order and decisions of the Commission should be forwarded to:

E. Lee Reichert
Kamlet Shepherd & Reichert, LLP
1400 16th Street, Suite 250
Denver, CO 80202
Telephone: 303.825.4200
Facsimile: 303.825.1185
Email: lreichert@kamletshepherd.com

and

C. Tyler Prochnow
2300 Main Street, 9th Floor
Kansas City, MO 64108
Telephone: 816.448.3146
Facsimile: 816.448.3787
Email: tprochnow@kamletshepherd.com

4. ENM has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application.

5. ENM has never filed an Annual Report with the Commission.
6. Cancellation of ENM's Certificates of Service Authority is not detrimental to the public interest.

WHEREFORE, ENM, respectfully requests that the Commission:

- A. Grant this Application to Cancel ENM's Certificate of Service Authority to Provide Intrastate Interexchange Telecommunications Service issued in Docket No TA-2001-68;
- B. Grant this Application to Cancel ENM's Certificate of Service Authority to Provide Nonswitched Local Exchange Telecommunications Service issued in Docket No TA-2001-68;
- C. Grant this Application to Cancel ENM's Tariff No. 200100118 issued in Docket No TA-2001-68; and
- D. Grant any further relief deemed appropriate.

Dated: June 27th, 2003.

Respectfully submitted,


By: 

C. Tyler Prochnow, Bar No. 0048368
2300 Main Street, 9th Floor
Kansas City, MO 64108
Telephone: 816.448.3146
Facsimile: 816.448.3787
Email: tprochnow@kamletshepherd.com

*Attorneys for Evolution Networks, Inc. f/k/a
Evolution Networks Midwest, Inc.*

VERIFICATION

I, Jeffrey H. Schutz, being duly sworn, state that I am the President of Evolution Networks, Inc., that I have read the foregoing **APPLICATION OF EVOLUTION NETWORKS MIDWEST, INC. TO CANCEL ITS CERTIFICATES OF SERVICE AUTHORITY AND TARIFF** and that the contents thereof are true and correct to the best of my knowledge, information and belief.


Jeffrey H. Schutz

STATE OF COLORADO)
)
) ss:
CITY AND COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 20th day of June, 2003, by Jeffrey H. Schutz as President of Evolution Networks, Inc.

Witness my hand and official seal.

Jeri Ann Farmer
My commission expires: 7/9/2003

Teri Ann Farmer, Notary Public
State of Colorado
My Commission Expires 7/9/2003

Delaware

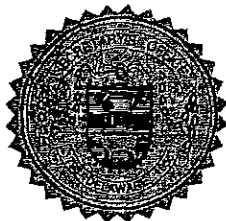
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The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"EVOLUTION NETWORKS NORTH, INC.", A DELAWARE CORPORATION,
WITH AND INTO "EVOLUTION NETWORKS, INC." UNDER THE NAME OF
"EVOLUTION NETWORKS, INC.", A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED
IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2002, AT 9
O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE
NEW CASTLE COUNTY RECORDER OF DEEDS.



2887269 8100M

030045580

Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2233571

DATE: 01-30-03



**CERTIFICATE OF OWNERSHIP AND MERGER
MERGING
EVOLUTION NETWORKS NORTH, INC.
WITH AND INTO
EVOLUTION NETWORKS, INC.**

The undersigned, a duly authorized officer of Evolution Networks, Inc., a Delaware corporation ("Evolution Networks"), as surviving corporation of the merger, pursuant to Section 253 of the Delaware General Corporation Law hereby executes this Certificate of Ownership and Merger:

I.

Evolution Networks is a business corporation of the State of Delaware.

II.

Evolution Networks is the owner of all of the issued and outstanding stock of Evolution Networks North, Inc. ("Evolution North"), which is also a business corporation of the State of Delaware.

III.

By written consent effective as of December 31, 2002, the sole director of Evolution Networks duly adopted the following resolutions:

"WHEREAS, the sole director deems it to be in the best interests of the Corporation and its stockholders to merge (the "Mergers") each of the Corporation's wholly owned subsidiaries: (i) Evolution Networks Midwest, Inc., a Delaware corporation, (ii) Evolution Networks North, Inc., a Delaware corporation, (iii) Evolution Networks South, Inc. and (iv) Evolution Networks West, Inc. (collectively, the "Subsidiaries"), with and into the Corporation, each in accordance with a Certificate of Ownership and Merger, by and between the Corporation and each of the Subsidiaries, in substantially the form attached hereto as Exhibit A (each, a "Certificate of Merger").

NOW, THEREFORE, BE IT RESOLVED, that the Mergers be, and hereby are, adopted and approved effective upon the filing of each of the Certificates of Merger with the Secretary of State of the State of Delaware.

RESOLVED, FURTHER, that the form, terms and provisions of the attached Certificate of Merger be, and hereby is in all respects, approved, adopted, ratified and confirmed and that the execution and delivery of each of the Certificates of Merger by an officer of the Corporation, for and on behalf of, and as the act and deed of the Corporation, with such changes therein as the officer executing each of the Certificates of Merger may approve, such approval to be conclusively evidenced by the execution of each of the Certificates of Merger, be and hereby is, approved, adopted, ratified and confirmed.

RESOLVED FURTHER, that the officers of the Corporation be, and each of them hereby is, authorized, empowered and directed to take such other and further action with respect to the consummation of the Mergers contemplated by each of the Certificates of Merger as the officers acting shall deem to be reasonably necessary or desirable, and any and all acts heretofore taken by the officers of the Corporation to such end are hereby expressly ratified and confirmed as the acts and deeds of the Corporation."

IV.

Anything herein or elsewhere to the contrary notwithstanding, this merger may be amended or terminated by the sole director of Evolution Networks at any time prior to the time that this Certificate of Ownership and Merger being filed with the Secretary of State of the State of Delaware becomes effective.

Executed on this 31st day of December, 2002.

EVOLUTION NETWORKS, INC.,
a Delaware corporation

By Jeffrey H. Schutz
Jeffrey H. Schutz, Vice President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of June, 2003, a true and correct copy of the foregoing document has been delivered via United States Mail, First Class Postage prepaid, addressed to the following:

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

A handwritten signature in cursive script, appearing to read "C. J. Cullen", is written over a horizontal line.