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ROBERT M. TAYLOR  
RON W. KIMBREL  
PATRICK D. CROCKER  
ANDREW J. VORBRICH  
TYREN R. CUDNEY  
STEVEN M. BROWN  
KRISTEN L. GETTING

0505 3760 - 0505 (PENDING)  
2225 376 - 0510 (Active)  
(9500)  
October 23, 2002

OF COUNSEL  
THOMPSON BENNETT  
JOHN T. PETERS, JR.  
VINCENT T. EARLY  
(1922 - 2001)  
JOSEPH J. BURGIE  
(1926 - 1992)

Helen Helton, Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
Frankfort, KY 40601

RE: Application of Esodus Communications, Inc. d/b/a INSTATONE, for a Certificate of Authority to Provide Resold Local Exchange Service and Interexchange Telecommunication Services in the State of Kentucky

Dear Ms. Helton:

Enclosed for filing with the Commission, please find an original and four (4) copies of the above captioned Corporation's Application for Certificate of Authority to Provide Resold Local Exchange Service and Interexchange Telecommunication Services in the State of Kentucky.

In addition, enclosed is a duplicate copy of this filing. Please date-stamp the duplicate and return it in the enclosed postage-paid envelope provided.

Should you have any questions concerning this filing, please contact the undersigned.

Very truly yours,

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.

Patrick D. Crocker

PDC/tlb

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF KENTUCKY**

IN THE MATTER )  
OF THE INFORMATIONAL FILING OF )  
ESODUS COMMUNICATIONS, INC. d/b/a INSTATONE ) No. \_\_\_\_\_  
FOR AUTHORITY TO OPERATE AS A RESELLER OF )  
INTEREXCHANGE AND LOCAL EXCHANGE )  
TELEPHONE SERVICE THROUGHOUT KENTUCKY )

---

Esodus Communications, Inc. d/b/a INSTATONE hereby submits the following information in accordance with the provisions of Administrative Case No. 359 and its proposed tariffs in accordance with 807 KAR 5:011.

1. The name, post office address, telephone and fax number of the applicant corporation are:

Esodus Communications Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786  
Telephone: (727) 596-1229  
Facsimile: (727) 593-1880  
Toll Free: 1-800-REMINDER

2. A copy of the Company's Articles of Incorporation and Kentucky Certificate of Authority is attached hereto as Exhibits A and B.

3. The name, street address, telephone and fax numbers of the responsible contact person(s) for customer complaints and regulatory issues:

Michael Servos, President  
1020 Spruce Drive  
Belleair Beach, FL 33786  
Telephone: (727) 596-1229  
Facsimile: (727) 593-1880

4. A notarized statement that the company has not provided or collected for intrastate service in Kentucky prior to filing its tariff is attached as Exhibit C.

5. The company does not seek authority to provide operator assisted services to traffic aggregatory as defined in Administrative Case No. 330.
6. The Company's proposed tariffs are attached as Exhibits D and E.
7. A sample Company bill is attached as Exhibit F.

WHEREFORE, Esodus Communications, Inc. d/b/a INSTATONE requests that the Public Service Commission of the Commonwealth of Kentucky grant authority to engage in the resale of local exchange and interexchange telecommunications services to the public in accordance with applicable laws currently in effect or hereinafter enacted by the Commission.

Respectfully submitted this 23<sup>RD</sup> day of October, 2002.

Esodus Communications, Inc. d/b/a INSTATONE

By: 

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007  
(616) 381-8844

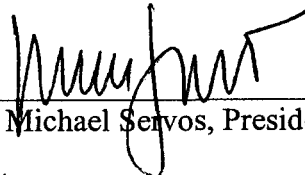
VERIFICATION

STATE OF FLORIDA            )  
  )  
COUNTY OF Pine Hks        )

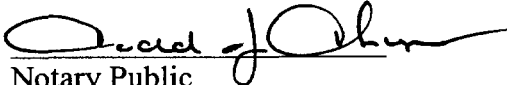
ss:

I, Michael Servos, being first duly sworn, state that I am the President of Esodus Communications, Inc., the Applicant herein; that I have reviewed the matters set forth in the Application and Exhibits and the statements contained therein are true to the best of my knowledge, except as to those matters which are stated on information or belief, and as to those matters I believe them to be true.

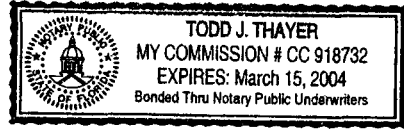
Esodus Communications, Inc.

By:   
Michael Servos, President

Sworn to and subscribed before me this 27 day of Sept, 2001

  
Notary Public

My Commission Expires: 3-15-2004



**EXHIBIT A**

**Articles of Incorporation**



**FLORIDA DEPARTMENT OF STATE**  
**Katherine Harris**  
**Secretary of State**

April 24, 2001

**EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.**  
**ATTN: PATRICK D. CROCKER**  
**900 COAMERICA BUILDING**  
**KALAMAZOO, MI 49007-4752**

**Re: Document Number P98000094592**

**The Articles of Amendment to the Articles of Incorporation of EXCELINK COMMUNICATIONS INC. which changed its name to ESODUS COMMUNICATIONS, INC., a Florida corporation, were filed on April 16, 2001.**

**Should you have any questions regarding this matter, please telephone (850) 487-6050, the Amendment Filing Section.**

**Doug Spittler**  
**Document Specialist**  
**Division of Corporations**

**Letter Number: 801A00024156**

# State of Florida



## Department of State

I certify from the records of this office that EXCELINK COMMUNICATIONS INC. is a corporation organized under the laws of the State of Florida, filed on November 9, 1998.

The document number of this corporation is P98000094592.

I further certify that said corporation has paid all fees and penalties due this office through December 31, 1998, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Ninth day of November, 1998



CR2EO22 (2-95)

*Sandra B. Northam*

Sandra B. Northam  
Secretary of State

**ARTICLES OF INCORPORATION**

*The undersigned incorporator, for the purpose of forming a corporation under the Florida Business Corporation Act, hereby adopts the following Articles of Incorporation.*

**ARTICLE I NAME**

The name of the corporation shall be:

EXCELINK COMMUNICATIONS INC.

**ARTICLE II PRINCIPAL OFFICE**

The principal place of business and mailing address of this corporation shall be:

1020 SPRUCE DRIVE  
BELLEAIR BEACH, FL 33786

**ARTICLE III SHARES**

The number of shares of stock that this corporation is authorized to have outstanding at any one time is:

1000 SHARES

**ARTICLE IV INITIAL REGISTERED AGENT AND STREET ADDRESS**

The name and Florida street address of the initial registered agent are:

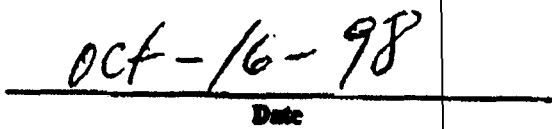
MICHAEL SERVOS  
1020 SPRUCE DRIVE  
BELLEAIR BEACH, FL 33786

**ARTICLE V INCORPORATOR**

The name and address of the incorporator to these Articles of Incorporation are:

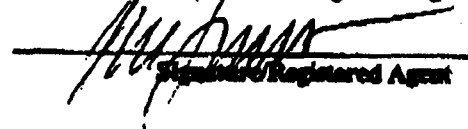
MICHAEL SERVOS  
1020 SPRUCE DRIVE  
BELLEAIR BEACH, FL 33786

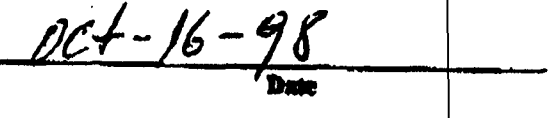
  
\_\_\_\_\_  
Signature/Incorporator

  
\_\_\_\_\_  
Date

(An additional article must be added if an effective date is requested.)

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent*

  
\_\_\_\_\_  
Signature/Registered Agent

  
\_\_\_\_\_  
Date

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
98 NOV -9 AM 10:29





**FLORIDA DEPARTMENT OF STATE**  
**Katherine Harris**  
**Secretary of State**

December 27, 2001

**INSTATONE**  
**1020 SPRUCE DR**  
**BELLEAIR BEACH, FL 33786**

**Subject: INSTATONE**

**REGISTRATION NUMBER: G01360900407**

This will acknowledge the filing of the above fictitious name registration which was registered on December 27, 2001. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

**IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES.** Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

/rjm

Division of Corporations

Letter No. 801A00067229

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 82314

**EXHIBIT B**

**Certificate of Authority to Transact Business**

COMMONWEALTH OF KENTUCKY  
JOHN Y. BROWN III  
SECRETARY OF STATE

0540066.09 CDuryea P101  
John Y. Brown III  
Secretary of State  
Received and Filed  
07/03/2002 09:14 AM  
Fee Receipt: \$90.00



APPLICATION FOR CERTIFICATE OF AUTHORITY

Pursuant to the provisions of KRS Chapter 271B, 273 or 274, the undersigned hereby applies for authority to transact business in Kentucky on behalf of the corporation named below and for that purpose submits the following statements:

1. The corporation is  a business corporation (KRS 271B).  a nonprofit corporation (KRS 273).  
 a professional service corporation (KRS 274).

2. The name of the corporation is  
Esodus Communications, Inc.

3. The name of the corporation to be used in Kentucky is

(If "real name" is unavailable for use)

4. Florida is the state or country under whose law the corporation is incorporated.

5. November 9, 1998 is the date of incorporation and the period of duration is Perpetual

6. The street address of the corporation's principal office is

1020 Spruce Drive Belleair Beach FL 33786

Street

City

State

Zip Code

7. The street address of the corporation's registered office in Kentucky is

688 Starks Building, 455 South Fourth Avenue, Louisville, KY 40202

Street

City

State

Zip Code

and the name of the registered agent at that office is

Stephen A. Schwager

8. The names and usual business addresses of the corporation's current officers and directors are as follows:

President	<u>Michael Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>
Vice President	<u>Vasilios Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>
Secretary	<u>Michael Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>
Treasurer	<u>Vasilios Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>
Directors	<u>Michael Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>
	<u>Vasilios Servos</u>	<u>1020 Spruce Drive, Belleair Beach, FL 33786</u>

(Attach a continuation sheet, if necessary)

9. If a professional service corporation, all the individual shareholders, not less than one half of the directors, and all of the officers other than the secretary and treasurer are licensed in one or more states or territories of the United States or District of Columbia to render a professional service described in the statement of purposes of the corporation.

10. A certificate of existence duly authenticated by the Secretary of State accompanies this application.

11. This application will be effective upon filing, unless a delayed effective date and/or time is specified: \_\_\_\_\_  
(Delayed effective date and/or time)

Signature

Michael Servos, President

Type or Print Name & Title

Date: 02-08- 2002

I, Stephen A. Schwager, consent to serve as the registered agent on behalf of the corporation.

Type or print name of registered agent

Signature of Registered Agent

Stephen A. Schwager, ESQ.

Type or Print Name & Title

0540066.04

CDuryea  
C226

John Y. Brown III  
Secretary of State  
Received and Filed

07/03/2002 09:18 AM

Fee Receipt: \$20.00

COMMONWEALTH OF KENTUCKY  
JOHN Y. BROWN III  
SECRETARY OF STATE



CERTIFICATE OF ASSUMED NAME

This certifies that the assumed name of

INSTATONE

(Name under which the business will be conducted)

has been adopted by Esodus Communications, Inc.

(Real name - KRS 365.015(1))

which is the "real name" of [YOU MUST CHECK ONE]

a Domestic General Partnership

a Foreign General Partnership

a Domestic Registered Limited Liability Partnership

a Foreign Registered Limited Liability Partnership

a Domestic Limited Partnership

a Foreign Limited Partnership

a Domestic Business Trust

a Foreign Business Trust

a Domestic Corporation

a Foreign Corporation

a Domestic Limited Liability Company

a Foreign Limited Liability Company

a Joint Venture

organized and existing in the state or country of Florida, and whose address is

1020 Spruce Drive,

Street address, if any

Belleair Beach, FL

City

State

33786

Zip Code

The certificate of assumed name is executed by

Signature

Vasilios Servos, V.P./Treasurer

Print or type name and title

05-16-02

Date

Signature

Michael Servos, President/Secretary

Print or type name and title

05-16-02

Date

**EXHIBIT C**

**Notarized Statement**


AFFIDAVIT

STATE OF FLORIDA            )  
  )  
COUNTY OF Pinellas        )

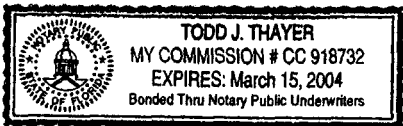
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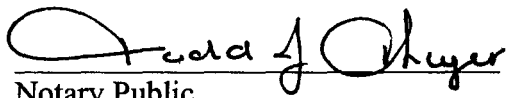
Michael Servos, President of Esodus Communications, Inc. ("Esodus") first being duly sworn on oath, deposes and says that Esodus has neither provided nor collected money from customers within Kentucky for intrastate interexchange or local exchange telecommunication services.

Esodus Communications, Inc.

By:   
Michael Servos

The foregoing instrument was acknowledged before me this 27 day of Sept,  
2001 by Michael Servos.



  
Notary Public  
For the County of Pinellas  
My Commission Expires: 3-15-2004

Seal