

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Jory ) DOCKET NO. 930599-EI  
Bricker against Florida Power ) ORDER NO. PSC-94-0913-FOF-EI  
Corporation regarding high ) ISSUED: July 26, 1994  
electric bills. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER GRANTING MOTION FOR DETERMINATION OF INDIGENCY

BY THE COMMISSION:

On March 1, 1993, Ms. Jory Bricker filed a complaint with our Division of Consumer Affairs against Florida Power Corporation (FPC) for unduly high electric bills. When an informal conference failed to resolve the dispute, the complaint was docketed, and subsequently we decided that FPC had properly billed Ms. Bricker for electricity consumed at her home. Ms. Bricker requested a formal hearing on the complaint, and the matter was referred to the Division of Administrative Hearings. A hearing was held and on January 18, 1994, the Hearing Officer submitted a Recommended Order recommending that we enter a final order dismissing Ms. Bricker's complaint. No party filed exceptions to the Recommended Order. We accepted the recommendation of the Hearing Officer and adopted it as our Final Order.

Ms. Bricker appealed Order No. PSC-94-0306-FOF-EI to the Florida Supreme Court. To proceed without paying the filing fee and costs, Ms. Bricker must obtain the approval of the Commission as the lower tribunal. On June 16, 1994, counsel for Ms. Bricker filed a Motion for Determination of Indigency. Attached to that motion was an affidavit showing Ms. Bricker's inability to pay fees and costs. On June 30, 1994, Ms. Bricker's counsel, Ted E. Karatinos, filed the attorney's certificate required by section 57.081(1), Florida Statutes, however, this certificate did not include the statutorily required statement that he had investigated the nature of the applicant's position and that in his opinion it is meritorious as a matter of law. On July 8, 1994, an amended certificate was filed that did contain this statement.

DOCUMENT NUMBER-DATE

07567 JUL 26 1994

FPSC-RECORDS/REPORTING

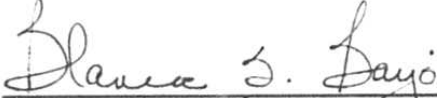
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Mr. Karatinos certifies that he has made an investigation and he believes Ms. Bricker's affidavit of indigency to be true; that he is not being compensated for his services; and that he has investigated the nature of the applicant's position and in his opinion it is meritorious as a matter of law. We find that the motion, affidavit of indigency, and amended attorney's certificate filed on behalf of Ms. Bricker satisfy the requirements of Rule 9.430, Florida Rules of Appellate Procedure, and the applicable substantive law, section 57.081(1), Florida Statutes.

ORDERED by the Florida Public Service Commission that the Motion for Determination of Indigency is granted and Ms. Bricker may proceed without prepayment of costs or fees. It is further

ORDERED that this docket shall remain open pending disposition of the appeal.

By ORDER of the Florida Public Service Commission, this 26th day of July, 1994.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

CTM

CHAIRMAN DEASON DISSENTED.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court pursuant to Rule 9.430, Florida Rules of Appellate Procedure, by filing a motion in the court.