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CHESTER OSHEYACK
10410 Zackary Circle, Apt. 28
Riverview, Florida 33569-3994
(813) 672-3823

October 9, 1999

Ms. Kay Flynn, Chief
Bureau of Records
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

In re: SCA 96,439
PSC Order 99-1591-FOF-TL

990869-TL

Dear Ms. Flynn:

Ms. Brown advised that I communicate with you regarding the matter of the record. As I am sure that you are aware, my experience with the process involved is quite limited, so I'll have to rely upon you for guidance where appropriate.

Enclosed is a copy of the "Table of Citations" that will be included in my Initial Brief.

Important for inclusion in the record are:

US 5th DCA Case No. 97-60421, July 30, 1999 decision. This should be no problem since FPSC was a party in this action against the FCC. and,

- FS 364; FS 120; FS 95.11; FS 559.55
- ** PSC Orders 12765 and 13429
- PSC Rules 25-4
- FCC Report & Order in CC Docket No. 85-88 Jan 14, 1985
- Fed Stautes: 15 USC 1601 et seq; 47 USC 201 et seq;
- 47 USC 42.6; 47 CFR §61.58; 5 USC 706;
- 15 USC 1601 et seq

APA _____
 APP Brown
 CAF _____
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 OPC _____
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 WAW _____
 CTR Cy/Ry

note: There is a Florida Order that cites Adams v Culver; Stewart v DeLand; State ex rel Loftin v McMillan; Boque & Fennelly; and Suntrust v Wood in re statutory construction. I have the citation but have misplaced the PSC Order, however it was in the file submitted to DOAH by Ms Helton. This should be included in the record duly noted with (**)

The US DCA Case No 97-60421 contains citations in Case law duly noted with (*)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

page 2 (Osheyack to Flynn)

Copies of the Declaration of Independence, the Constitution of the USA and the State of Florida should be readily available in any court in the land, so I doubt that you will need those for the record, but I leave that to your expert judgement.

With respect to the US 5th DCA Case, while this Final Order was issued 3-days after the PSC Agenda Conference, and about 30-days prior to the Final Order in re my Petition, it should be emphasized that the Florida PSC was a party in that case and was well aware of the citations in the record. I did, also discuss the Case with Mr. David Smith, in the absence of Ms. Brown, and directly with Ms. Brown when she returned from her travels. I don't know what else I need to do.

Be advised that, at this writing, I have no information regarding the issuance of an Order of Indigency. I was informed on or about Sept 24th that the matter would be brought before the commission at their Agenda Conference of October 5th. I assume that it will be forthcoming.

Please call if you have any questions, or need any additional information.

I appreciate your assistance.

Sincerely,

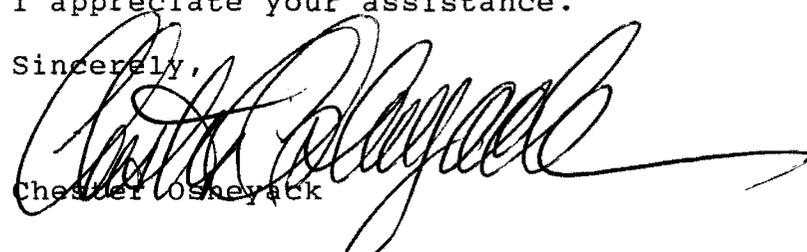

Chester Osheyack

TABLE OF CITATIONS

- I. Documents
 - (1) Declaration of Independence
 - (2) Constitution of the U.S. of A.
 - (a) Article I, § 8 (3)(4)
 - (b) Article VII, Amendment 7
 - (c) Amendment I
 - (d) Amendment XIV

- II. Federal statutes
 - (1) 15 USC 1601 et seq
 - (2) 15 USC 1601, Title VIII, § 801 et seq
 - (3) 47 USC 201(II) et seq (1934); amended (1996)
 - (4) 5 USC § 706 (A)(B)
 - (5) 47 USC § 415 (limitations)
 - (6) 47 USC § 42.6; 401; 816;817; §151 et seq

- III. Federal Orders
 - (1) FCC 85-88 (1985)

- IV. Federal Rules
 - (1) 47 CFR §61.58 (c)(3)

- V. Florida Statutes
 - (1) 364.27
 - (2) FS 559.55 et seq
 - (3) FS 95.11
 - (4) FS 364.01 et seq
 - (5) FS 120.51 et seq

- VI. Florida Orders
 - (1) PSC 12765 (1983)
 - (2) PSC 13429 (1984)

Citations (continued)

VII. Florida Rules

- (1) 25-4.002 et seq
- (2) 25-4.113 (1-f),(4-e)

VIII. Case Law :

- * (1) Nader v Volpe, 475 F 2d 916,917, (DC Cir 1973)
- * (2) Super Tire Engnrg Co. v McCorkle, 416 US 115,122 (1974)
- * (3) Maryland PSC v FCC, 909 F 2d, 1510,1515, (DC Cir 1990)
- * (4) Gulth v Kangas, 951 F 2d, 1504-1508, (9th Cir 1991)
- * (5) Harris v USA, 19 F 3d, 1090, (5th Cir 1994)
- (6) US 5th DCA, Case No. 97-60421, Consolidated challenge to the most recent attempt of the FCC to implement provisions of the landmark 1996 Telecommunications Act. DCA Order dtd July 30, 1999.

- * (7) Chevron USA, Inc., v Natural Resource Defense Council, Inc., 467 US 837 (1984).
- ** (8) Adams v Culver, 111 So 2d 665 at 667, Fla 1959 citing
- ** Stewart v Deland-Lake Helen, 71 So 42, Fla 1916 quoting
- ** State ex rel Loftin v McMilan, 45 So 882, Fla 1908.
- ** (9) Boque v Fennelly, 1997 WL 276289 Fla 4th DCA 1997
- ** (10) Suntrust Banks of Fla v Wood, 693 So 2d 99, Fla 5th DCA, 1997

IX. Reference Books

- (1) Webster's New World Dictionary, 2d College Edition
- * (2) Sutherland Statutory Construction, 5th Edition, Vol 2 (A) §46.05, 49 Fla Jur §182

note(s):(*)quotes from US 5th DCA, Case No. 97-60421, "Texas Case"
(**) quotes from FPSC orders used when appropriate to make their case