

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Chester
Osheyack for amendment of Rule
25-4.113(1)(f), F.A.C., Refusal
or Discontinuance of Service.

DOCKET NO. 990869-TL
ORDER NO. PSC-99-2077-FOF-TL
ISSUED: October 21, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

ORDER CERTIFYING INDIGENCY

BY THE COMMISSION:

On July 1, 1999, Mr. Chester Osheyack filed a petition to amend Rule 25-4.113(1)(f), Florida Administrative Code, our rule governing local exchange companies' refusal or discontinuance of service. We denied Mr. Osheyack's petition in Order No. PSC-99-1591-FOF-TL, issued August 16, 1999. Mr. Osheyack has appealed that decision to the Florida Supreme Court, which has issued an order informing Mr. Osheyack that if he wishes to appear before the Court as an indigent and have filing fees and costs of the appeal waived, he must receive an order certifying indigency from the Commission. Mr. Osheyack filed a letter with us on September 27, 1999, requesting that certification.

In accordance with Rule 9.430, Florida Rules of Appellate Procedure, and Section 57.081(1), Florida Statutes, Mr. Osheyack included an affidavit of insolvency that satisfactorily demonstrates that he is unable to pay for the services of the courts, sheriffs and clerks of this state. We find, therefore, that he is entitled to receive the services of the judicial system of the state without charge, pursuant to Section 57.081, Florida Statutes, and we so certify. It is, therefore,

ORDERED, by the Florida Public Service Commission, that Chester A. Osheyack is entitled to the services of the courts, sheriffs and clerks of this state without charge. It is further

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

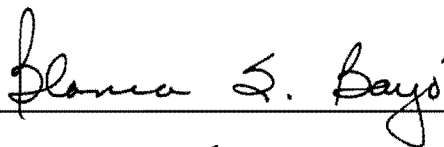
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By ORDER of the Florida Public Service Commission this 21st
day of October, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.