

IN THE SUPREME COURT
STATE OF FLORIDA

CHESTER OSHEYACK, pro se)
)
 Appellant)
)
 vs)
)
 PUBLIC SERVICE COMMISSION)
 STATE OF FLORIDA)
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 Appellee)
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)
)

990869. TL
SC Case No 96,439

APPEAL FROM THE
PUBLIC SERVICE COMMISSION
STATE OF FLORIDA

APPELLANT'S MOTION TO EXTEND REPLY BRIEF

CHESTER OSHEYACK, pro se
Appellant
10410 Zackary Circle, Apt 28
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Florida Public Service Commission
Appellee
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Martha Brown
Associate General Counsel
Florida Bar No. 261866

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Acting General Counsel
Florida Bar No. 405027

- AFA _____
- APP Brown
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OFC _____
- RRR _____
- SEG 1
- WAW _____
- OTH _____

Date of filing: 2-16-00

DOCUMENT NUMBER-DATE

02237 FEB 18 8

FPSC-RECORDS/REPORTING

Prior to filings by either party in this Appeal, the Appellant noticed the commission counsel regarding certain debatable testimony offered by PSC staff members in the DOAH Case No 1628RX (1997), Osheyack v Public Service Commission; and, also identified examples of questionable judgement calls made in the management of the case. The Appellant further suggested that introduction of the case in evidence may present dilemmas that could complicate the process at this time. After the commission's Answer Brief was filed with evidential content including the DOAH case excerpts and Final Order of the lower tribunal, the Appellant suggested to the commission counsel that it may serve a mutual advantage to withdraw the above noted references to avoid the necessity of attack thereof. The Appellant's pleadings were disregarded.

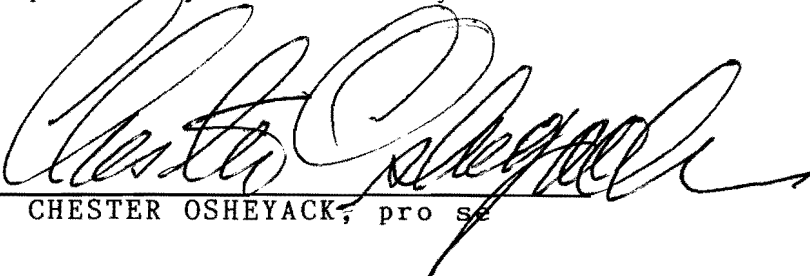
By introducing the above referenced DOAH case, the commission is addressing the issue of the "underlying validity of the rule". This was the only issue considered by the ALJ to be subject to the jurisdiction of the lower tribunal (ref Reply Brief, Appendix, Exhibit 1). Later, on page 2 of the commission's Response In Opposition To Motion On Jurisdiction, the Appellee's caprice is again demonstrated, by a reversal of its position with the assertion that, ".... the underlying validity of the rule" is not the issue in the case before this court.

Thus the commission introduced evidence that it knew was irrelevant to this Appeal; it was aware that the introduction of such evidence was subject to challenge as being misleading to the court and prejudicial to the Appellant; and it should have been aware that such action could not possibly serve any legitimate government or public interest since the case contains no credible arguments that advance their cause.

WHEREFORE, the Appellant, pursuant to Rule 9.300 (1996), and in accordance with the provisions of Rule 9.210(5) (1996), respectfully moves this court to approve the extension of the Reply Brief by four pages [ref Reply Brief, pgs 9 through 13, paras (9) and (10)], to accomodate a limited rebuttal of the Appellee's evidential submission relevant to DOAH Case No. 1628RX (1997) Osheyack v Public Service Commission.

The Appellant hereby certifies that he advised the Appellee through their attorney of his intent to move this issue but received no response.

Respectfully submitted by:



CHESTER OSHEYACK, pro se

Dated: 2-16-00

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of
this MOTION has been furnished by US Mail this 16th
day of Feb, 2000 to:

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

In ref PSC Doc 990869
SCA Case No 96,439



Chester Osheyack
Appellant

for:

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Acting General Counsel for PSC

and

Martha C. Brown
Associate General Counsel for PSC