

IN THE SUPREME COURT
STATE OF FLORIDA

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

Case No. 96,439

990869

REPLY TO RESPONSE
IN OPPOSITION TO MOTION ON
JURISTICICTION

I hate to appear "picky", and I do welcome the commission's stipulation on the issue of the "juristiction" of the Supreme Court in this case, however it is quite difficult for this "old man" to keep up with the caprice exhibited by my adversary. If the court will permit me to use an allegory, "a pasture without grass is of no value to a herd of hungry cattle." Juristiction without effective authority is as barren as a pasture without grass.

The commission has presented the conclusion that the court has no authority to compel an agency to change a policy in the area of the agency's statutory concern. (ref Answer Brief, pg 8). Moreover, there are other citations of the commission which assert severe limitations on authority of the court which, if accepted as standards will render its juristiction impotent.

I lack the sophistication to separate facts from tactics. Accordingly, I have asked the court to save all of us time and resources by ruling on and accepting juristiction in this case on the grounds set forth in my Motion. In that Motion, I have identified four "potential" constitutional infirmities (ref Porter v Califano, pg 2, Motion on Juristiction), and, an alternative standard for determining "reasonability" other than "facts and law". (Harris v USA, pg 4, Motion on Juristiction).

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APP 2 _____
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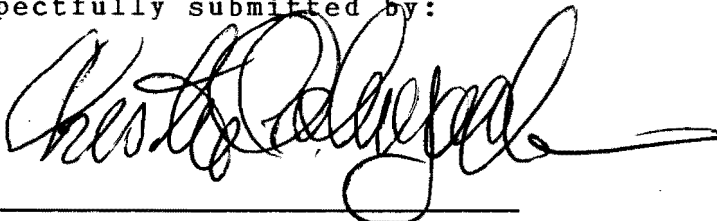
The commission has characterized my "assertions of constitutional infirmities" as being "vague" (ref Respense to Motion, pg 2). I cannot accept the commission's expertise in such portrayals because of its apparent inability to discern the inadequacies of its own disconnect policy "rule". Thus, I must leave this question to the court.

As for the commission's pleadings for sanctions to be imposed on the Appellant for the sin of prudence, let me assure the court that I have neither need nor intent to "extend" my "opportunity to reply to the commission's answer brief". My reply brief was completed two weeks ago. It consists of 15 pages. Add the 5 pages in my Motion on Jurisdiction, and the 20-page limitation is still met.

However, after reading of the commission's assertion of the court's proclivity for entitling the commission to "deference", and the presumption of "Papal infallibility" of judgement, (ref Answer Brief, pg 11), I feel the need for reassurance vis a vis the possibility of a fair, unbiased and full review of the record in this case. What the commission calls for is a travesty of "due process".

WHEREFORE, this court should find that it has proper jurisdiction in this case, and is able to review the record as appropriate in a search for truth and justice for all.

Respectfully submitted by:



Chester Osheyack, pro se

dated: 1-8-00

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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 8th
day of SWAP 2000 December, 1999 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

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and

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