



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: June 23, 1998

TO: JULIA L. JOHNSON, CHAIRMAN
 J. TERRY DEASON, COMMISSIONER
 SUSAN F. CLARK, COMMISSIONER
 JOE GARCIA, COMMISSIONER
 L. LEON JACOBS, COMMISSIONER
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 MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.
 ROB VANDIVER, GENERAL COUNSEL
 DAVID SMITH, DIRECTOR OF APPEALS
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 BLANCA BAYO, DIRECTOR OF RECORDS & REPORTING
 CHUCK HILL, DIRECTOR OF WATER & WASTEWATER

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FROM: MARY ANNE HELTON, DIVISION OF APPEALS *MAH*

RE: CHESTER OSHEYACK V. STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS (PUBLIC SERVICE COMMISSION), DOAH CASE NO. 97-1628RX, 2ND DCA CASE NO. 97-03581

On June 19, 1998, the Second District Court of Appeal filed its per curiam opinion affirming the Division of Administrative Hearing's final order finding Rule 25-4.113(1)(f), Florida Administrative Code, to be a valid exercise of delegated legislative authority. Mr. Osheyack had challenged the Commission's rule on disconnection and refusal of telephone service, and then appealed the DOAH final order to the 2nd DCA.

A copy of the opinion is attached.

cc: All attorneys
 Mark Long
 Brian Musselwhite
 Sally Simmons
 Richard Tudor

Attachment

DOCUMENT NUMBER DATE

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NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
98 JUN 22 PM 11:35 MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CHESTER OSHEYACK,

Appellant,

v.

STATE OF FLORIDA, DIVISION OF
ADMINISTRATIVE HEARINGS (PUBLIC
SERVICE COMMISSION),

Appellee.

Case No. 97-03581

Opinion filed June 19, 1998.

Appeal from the Division of Administrative
Hearings.

Chester Osheyack, pro se.

Robert D. Vandiver and Mary Anne Helton,
Tallahassee, for Florida Public Service
Commission.

PER CURIAM.

Affirmed.

CAMPBELL, A.C.J., FRANK and GREEN, JJ., Concur.