



Public Service Commission

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**DATE:** July 1, 1996

**TO:** Alice Crosby, Division of Legal Services  
Division of Records and Reporting

**FROM:** Patricia Brady, Division of Water and Wastewater *pb*

**RE:** Docket No. ~~95-1393-FOF-WS~~ *95-1393-WS*: Resolution of the Board of County Commissioners of Manatee County declaring Manatee County subject to the provisions of Chapter 367, F.S. - Request for an exemption for provision of water service by EDWARD J. CIPRIANI.

On October 10, 1995, the Board of County Commissioners of Manatee County adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring that as of October 10, 1995, the water and wastewater utilities in that County shall become subject to the provisions of the Water and Wastewater Regulatory Law, Chapter 367, Florida Statutes. The resolution was acknowledged by this Commission on November 9, 1995, by Order No. PSC-95-1393-FOF-WS. Pursuant to Section 367.031, Florida Statutes, a utility subject to the jurisdiction of this Commission must obtain a certificate of authorization or an order recognizing the exempt status of the system.

On December 13, 1995, an application for an exemption from Public Service Commission regulation was filed by Mr. Edward J. Cipriani, pursuant to Section 367.022(5), Florida Statutes. Mr. Cipriani is the owner of a water well located at 12512 Cortez Road, West, Cortez, Florida, in Manatee County. The water well serves two commercial rental properties only one of which is currently occupied. Wastewater service is provided by Manatee County. The address for Mr. Cipriani and, hence, the system is P.O. Box 745, Cortez, Florida, 34215 (941/794-1951).

In accordance with Section 367.022(5), Florida Statutes, and Rules 25-30.060(1), (2), and (3)(e), Florida Administrative Code, Mr. Cipriani filed a statement that he provides water service solely to tenants and the charge for the service is non-specifically contained in the rent. According to a statement provided in the application, there is no lease. Instead, rent is on a monthly basis. By signing the application, Mr. Cipriani acknowledged that he is aware of the penalty pursuant to Section 837.06, Florida Statutes, for knowingly making false statements in writing with the intent to mislead.

Section 2.08(C)(14) of the Administrative Procedures Manual grants staff authority to administratively approve requests for determination of exempt status that are clear-cut and without controversy. Staff finds the application in compliance with statutory requirements and without apparent controversy. Staff therefore recommends that an administrative order be issued finding Mr. Edward J. Cipriani exempt from Commission regulation pursuant to Section 367.022(5), Florida Statutes. Staff recommends that the order

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