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DIVISION OF APPEALS  
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# Public Service Commission

September 10, 1997

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
120 Holland Building  
Tallahassee, Florida 32399

Re: Docket No. 960111-EU - Proposed Rules 25-22.070, 25-22.071 and 25-22.072, F.A.C., Contents, Submission, and Review of Ten-Year Site Plans

Dear Mr. Webb:

Enclosed is the notice of change, which will be published in the Florida Administrative Weekly on September 19, 1997, and the statement of changes for the proposed new rules.

We plan to file the rule for adoption on October 20, 1997.

Sincerely,  
*Mary Anne Helton for*  
*Christiana T. Moore*  
Christiana T. Moore  
Associate General Counsel

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_ NOC22071.MRD
- CMU \_\_\_\_\_ Enclosure
- cc: Division of Records & Reporting
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
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DOCUMENT NUMBER - DATE  
09070 SEP 10 97  
FPSC-RECORDS/REPORTING

## STATEMENT OF CHANGES

Comments on the proposed rules were timely filed by the Department of Environmental Protection (DEP), the South Florida Water Management District (SFWMD), and Gulf Power Company (Gulf). In addition, the Joint Administrative Procedures Committee staff (JAPC) filed comments. The Commission approved the following changes at a public hearing held on September 9, 1997.

**Rule 25-22.071:** The SFWMD suggested that the agencies be given 90 days instead of 60 to file their comments. Subsection (3) was changed to provide 90 days for agencies to review and file their comments with the Commission.

Subsection (6) was changed to delete the words "base case ten-year site plans." The JAPC questioned the meaning of these terms. The words were deleted from the rule because they unnecessary and because the rule is intended to require submission of a planning document that includes all utilities and not just those filing ten-year site plans.

**Form PSC/EAG 43:** JAPC commented that the requirement, in the "Land and Environmental Features" subsection, for utilities to describe all known plant and wildlife species listed by the state or federal government as endangered or threatened, was vague. To clarify this requirement, references to the specific Florida Administrative Code and Code of Federal Regulations provisions that list these species were added.

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960111-EU

RULE NO:           RULE TITLE:

25-22.071           Submission and Review of the Ten-Year Site Plans

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 23, No. 26, June 27, 1997 issue of the Florida Administrative Weekly:

25-22.071 Submission and Review of the Ten-Year Site Plans.

(3) The Commission will solicit comments from various federal, state, and local agencies, water management districts, and regional planning councils regarding the individual utility ten-year site plans. Any written comments shall be filed with the Commission within 90 ~~60~~ days from the date of receipt of the plans. The state agencies from which comments will be solicited will include:

- (a) The Department of Environmental Protection.
- (b) The Department of Transportation.
- (c) The Department of Agriculture and Consumer Services.
- (d) The Department of Health.
- (e) The Game and Fresh Water Fish Commission.
- (f) The Board of Trustees of the Internal Improvement Trust Fund.
- (g) The Department of Community Affairs.
- (6) The electric utilities in Florida shall compile aggregate

statewide and peninsular Florida (the area east of the Apalachicola River) data derived from ~~the~~ individual electric utility ~~base case~~ ~~ten-year site~~ plans and shall submit this data to the Commission by July 1 of each year.

Specific Authority: 350.127(2), 186.801(4) F.S.

Law Implemented: 186.801, 366.04(5), 366.05(7) F.S.

Form PSC/EAG 43(\_\_/97), Electric Utility Ten-year Site Plan Information and Data Requirements.

2. Land and Environmental Features

c. A map of the preferred site and adjacent areas in the vicinity of the preferred site, showing the level III, (or if level III is not available, the level II), Florida Land Use, Cover and Forms Classification System (FLUCCS) land use cover data.

e. 2) A description of all known animal species designated by the state in Chapter 39-27, F.A.C., and federally listed wildlife and plant species listed as threatened, endangered, or a species of special concern; plant species identified as state endangered or threatened in Rule 5B-40.0055, F.A.C.; or a plant or animal species listed in 50 C.F.R. § 17.11-12.