

RULE REVIEW

PUBLIC SERVICE COMMISSION

Pursuant to Section 207 of the State Administrative Procedure Act; Review of Existing Rules, notice is hereby provided of the following rules, which the Public Service Commission wishes to continue without modification. Comments are welcome on proposed continuation of the rules. Five copies of comments should be sent to: Jaelyn A. Brillling, Acting Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350 no later than 45 days from the date of this publication. Information about the rules may be obtained from: Maureen E. Farley, Assistant Counsel, 3 Empire State Plaza, Albany, New York 12223-1350. (518) 474-1634.

1. 16 NYCRR Part 650

a. Description of rule:

The rule sets out requirements for all providers of telephone service to end users by means of currency or credit operated telephones. The rule covers: operational requirements such as calls to 911 and "0"; notice requirements of what information must appear on the payphone placard; customer service requirements; and enforcement procedures for violations of the rule.

b. Statutory authority: PSL Sections 92-c and 94(2).

c. No hearings or public meetings are scheduled.

d. The rule is in effect and will continue.

e. Need for and legal bases of rule:

The rule was adopted to reflect changes in federal law. The rule regulates areas of payphone operation that are within the Commission's jurisdiction. The rule continues to be needed to protect consumers who use payphones by requiring information about use, rates and where to file complaints. The legal bases of the rule are PSL Sections 92-c and 94(2).

2. 16 NYCRR Part 262

a. Description of rule:

The rule provides for drug and alcohol testing for certain operators of pipeline facilities. The rule conforms with changes to the federal Department of Transportation rules. It includes testing, recordkeeping, and reporting.

b. Statutory authority: PSL Sections 65(1), 66(1) and (2).

c. No hearings or public meetings are scheduled.

d. The rule is in effect and will continue.

e. Need for and legal bases of rule:

The rule conforms with federal requirements and is necessary to ensure safe pipeline operation in the State. The legal bases for the rules are: PSL Sections 65(1), 66(1) and (2).

3. 16 NYCRR Sections 10.2(b), Parts 165-167, 310, 312, 663.1, 731-733.

a. Description of rule:

The rule repeals a number of accounting and recordkeeping requirements and adds a new section with revised requirements. The areas covered include: application and prescription of the uniform system of accounts (USOA); books and records accessibility; forms, quarterly and annual reports, and preservation of

records. The rule applies to gas, electric, steam, water, and telephone utilities.

b. Statutory authority: PSL Sections 20, 66(4) and (10), 80(3) 80(8), 89-c (3), 89-c(8), 95(2) and 142.

c. No hearings or public meetings are scheduled.

d. The rule is in effect and will continue.

e. Need for and legal bases of rule:

The rule eased regulatory requirements for utilities in application of the USOA. It also set up recordkeeping and record retention rules. The rule is needed for continuing regulation and to ensure that appropriate records are maintained by utilities. The legal bases for the rule are: PSL Sections 20, 66(4), 66(10), 80(3), 80(8), 89-c (3), 89-c(8), and 142.

4. 16 NYCRR Part 720

a. Description of rule:

The rule allows utilities to file tariffs with the Commission electronically. Subpart 720-6 provides for electric fuel adjustment clauses in tariffs.

b. Statutory authority: PSL Sections 66(12), 80(10), 89-c(10) and 92(1).

c. No hearings or public meetings are scheduled.

d. The rule is in effect and will continue.

e. Need for and legal bases of rule:

The rule allows utilities to file their tariffs electronically, in light of updated technology. The rule also allows electric fuel adjustment clauses in electric utility tariffs for automatic adjustment of rates because of changes in the cost of fuel. The rule is needed to allow electronic filing of tariffs, which eases the tariff process for the utilities and the Commission. It is also needed to allow utilities to update tariff changes quickly when fuel prices fluctuate. The legal bases for the rule are: PSL Sections 66(12), 80(10), 89-c(10) and 92(1).