

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

- AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing; or C for first Continuation.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Banking Department

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Interlocking Directors and Officers of Banking Organizations and Bank Holding Companies

I.D. No. BNK-22-05-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: This is a consensus rule making to amend Section 70.2 of Title 3 NYCRR.

Statutory authority: Banking Law, sections 130(3)(b), 143(3)(b), 209(3)(b), 247(5)(b), 399(5)(b) and 399-a(2)

Subject: Interlocking directors and officers of banking organization and bank holding companies.

Purpose: To eliminate the requirement that interlock permissions granted by the Banking Board must be expressed in a special regulation.

Text of proposed rule: PART 70

INTERLOCKING DIRECTORS AND OFFICERS OF BANKING ORGANIZATIONS AND BANK HOLDING COMPANIES

(Statutory Authority: Banking Law §§ 130[3][b], 143[3][b], 209[3], 247[5][b], 399[5][b], 399-a[2])

Section 70.2 shall be amended as follows:

§ 70.2 Exceptions

The Banking Board may, by a three-fifths vote, grant permission to one or more executive officers of any institution or institutions of a type named in Section 70.1 of this Part to be an executive officer, director or trustee, or both an executive officer and a director or trustee, of any other such institution. Such permission may be granted after review by the Banking Board of an application made by such executive officer or officers, or by such an institution which presently has, or is actively considering the election of, one or more such executive officers as an executive officer, director or trustee, or both an executive officer and a director or trustee, of the applying institution. [The Banking Board will express such permission in Special Regulation Part 207.]

Text of proposed rule and any required statements and analyses may be obtained from: Sam L. Abrams, Secretary to the Banking Board, Banking Department, One State St., 6th Fl., New York, NY 10004-1417, (212) 709-1658, e-mail: sam.abram@banking.state.ny.us

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This action was not under consideration at the time this agency's regulatory agenda was submitted.

Consensus Rule Making Determination

Section 70.2 of the General Regulations of the Banking Board, which sets forth the process by which the Banking Board grants permission for interlocks as authorized by Banking Law Section 130(3), states that "The Banking Board will express such permission in Special Regulation Part 207." The proposed amendment would eliminate the quoted language.

Part 70 and Part 207 were adopted prior to the enactment of the State Administrative Procedure Act ("SAPA"), which requires each rule promulgated by a state agency be published in proposed form and undergo a period in which the public may comment before it can be adopted.

In 1973, when the requirement that the Banking Board's permission for an interlock be expressed in the form of a Special Regulation was adopted, the Special Regulation, not being subject to a statutorily mandated rulemaking process, was effective immediately and served simply as a place to record publicly the list of granted approvals.

The SAPA rulemaking process is designed to give an opportunity for public comment on rules of general applicability, not for an after the fact publication of an already effective approval of a specific matter. The Banking Board's authority to approve interlocks is most analogous to its authority to approve other types of transactions affecting specific institutions. These approvals are not expressed in the form of regulations and thus do not go through the rulemaking process.

No one is likely to object to the proposed amendment, which will simply eliminate a burdensome and meaningless technical requirement and is otherwise non-controversial.

Job Impact Statement

Part 70.2 of the General Regulations of the Banking Board provides that permission granted for an executive officer of a bank to serve at the same time as an executive officer or director of another banking organization be expressed in Special Regulation Part 207. The purpose of the proposed amendment is to eliminate that requirement.

Accordingly, a job impact statement is not submitted because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Executive Officer and Director Interlocks at Banking Organizations

I.D. No. BNK-22-05-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: This is a consensus rule making to add section 207.3 to Title 3 NYCRR.

Statutory authority: Banking Law, sections 130(3)(b), 143(3)(b), 209(3)(b), 247(5)(b), 399(5)(b) and 399-a(2)

Subject: Executive officer and director interlocks at banking organizations.

Purpose: To grant permission to Scott Shay to serve as both an executive officer of Signature Bank and a director of Bank Hapoalim, B.M., a foreign banking corporation maintaining a branch in New York.

Text of proposed rule: PART 207

PERMISSION TO SERVE AS AN EXECUTIVE OFFICER, DIRECTOR OR TRUSTEE OF BANKS, TRUST COMPANIES, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, FOREIGN BANKING CORPORATIONS, NATIONAL BANKS, FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND BANK HOLDING COMPANIES
(Statutory Authority: Banking Law §§ 130[3][b], 143[3][b], 209[3], 247[5][b], 399[5][b], 399-a[2])

A new section 207.3 shall be added as follows:

§ 207.3 Signature Bank

The Banking Board hereby grants permission for Mr. Scott Shay, an executive officer of Signature Bank, to serve as a director of Bank Hapoalim, B.M.

Text of proposed rule and any required statements and analyses may be obtained from: Sam L. Abrams, Secretary to the Banking Board, Banking Department, One State St., 6th Fl., New York, NY 10004-1417, (212) 709-1658, e-mail: sam.abram@banking.state.ny.us

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This action was not under consideration at the time this agency's regulatory agenda was submitted.

Consensus Rule Making Determination

Section 70.2 of the General Regulations of the Banking Board, which sets forth the process by which the Banking Board grants permission for interlocks as authorized by Banking Law Section 130(3), states that "The Banking Board will express such permission in Special Regulation Part 207."

At its May 10, 2005 meeting, the Banking Board granted permission for Mr. Scott Shay to continue to serve as both a director of Bank Hapoalim, B.M. and an executive officer of the Signature Bank.

Pursuant to Section 70.2 of the General Regulations of the Banking Board, such permission is to be expressed by the addition of a new Section 207.3 of the Special Regulations of the Banking Board.

Although the permission granted by the Banking Board for the interlock is effective upon adoption of the applicable resolution, under the State Administrative Procedures Act (SAPA), a Special Regulation is considered a rule which must be published in the *State Register* in proposed form and undergo a period in which the public may comment before it can be adopted.

As the proposed amendment simply describes a permission which has been granted by the Banking board, no one is likely to object to the proposed amendment, which complies with a technical requirement of the regulations and is otherwise non-controversial.

Job Impact Statement

Part 70.2 of the General Regulations of the Banking Board provides that permission granted for an executive officer of a bank to serve at the same time as an executive officer or director of another banking organization be expressed in the Special Regulation Part 207. The purpose of the proposed amendment to Part 207 of the Special Regulations of the Banking Board is to comply with that requirement in connection with the May 10, 2005 approval by the Banking Board for Mr. Scott Shay to serve both as a director of Bank Hapoalim, B.M. and as an executive officer of Signature Bank.

Accordingly, a job impact statement is not submitted because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities.

Department of Labor

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Labor publishes a new notice of proposed rule making in the *NYS Register*.

License, Registration, Inspection and Filing Fees of the Division of Safety and Health

I.D. No.	Proposed	Expiration Date
LAB-46-04-00001-P	November 17, 2004	May 16, 2005

Public Service Commission

NOTICE OF WITHDRAWAL

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following actions:

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-32-04-00016-P	August 11, 2004
PSC-08-05-00003-P	February 23, 2005
PSC-09-05-00008-P	March 2, 2005

NOTICE OF ADOPTION

Service Quality Performance Program by Rochester Gas and Electric Corporation

I.D. No. PSC-45-04-00015-A

Filing date: May 17, 2005

Effective date: May 17, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on April 13, 2005, adopted an order in Case 03-E-0765 approving with modifications the Public Service staff's proposal regarding a complaint rate performance threshold for Rochester Gas and Electric Corporation's (RG&E) Service Quality Performance Program.

Statutory authority: Public Service Law, section 66

Subject: Service Quality Performance Program.

Purpose: To establish a complaint rate performance threshold.

Substance of final rule: The Commission adopted a Complaint Rate performance threshold of 2.7 for 2005 and 2.5 for 2006 through 2008 for Rochester Gas and Electric Corporation's Service Quality Performance Program, as proposed by Staff of the Department of Public Service.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(03-E-0765SA6)

NOTICE OF ADOPTION

Service Quality Performance Program by Rochester Gas and Electric Corporation**I.D. No.** PSC-45-04-00017-A**Filing date:** May 17, 2005**Effective date:** May 17, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on April 13, 2005, adopted an order in Case 03-G-0766 approving with modifications Public Service staff's proposal regarding a complaint rate performance threshold for Rochester Gas and Electric Corporation (RG&E) Service Quality Performance Program.

Statutory authority: Public Service Law, section 66

Subject: Service Quality Performance Program.

Purpose: To establish a complaint rate performance threshold.

Substance of final rule: The Commission adopted a Complaint Rate performance threshold of 2.7 for 2005 and 2.5 for 2006 through 2008 for Rochester Gas and Electric Corporation's Service Quality Performance Program, as proposed by Staff of the Department of Public Service.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(03-G-0766SA7)

NOTICE OF ADOPTION

Franchising Process by the Town of Kent**I.D. No.** PSC-51-04-00017-A**Filing date:** May 12, 2005**Effective date:** May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1476 granting the Town of Kent a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Town of Kent.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Town of Kent (Putnam County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(04-V-1476SA1)

NOTICE OF ADOPTION

Calculation of Franchise Fees by Cablevision of Wappingers Falls, Inc.**I.D. No.** PSC-01-05-00014-A**Filing date:** May 16, 2005**Effective date:** May 16, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1236 granting Cablevision of Wappingers Falls, Inc. (Cablevision) a waiver of 9 NYCRR section 595.1(o) pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Calculation of franchise fees.

Purpose: To allow Cablevision to exclude the franchise fees collected from subscribers in the Town of Stony Point from inclusion in the calculation of gross receipts.

Substance of final rule: The Commission approved a request by Cablevision of Wappingers Falls, Inc. for a waiver of 9 NYCRR Part 595.1(o) to permit exclusion of franchise fee collections from calculation of gross receipts for the purpose of determining the franchise fee to be paid to the Town of Stony Point.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(04-V-1236SA1)

NOTICE OF ADOPTION

Franchising Process by the Town of Orangetown**I.D. No.** PSC-01-05-00015-A**Filing date:** May 12, 2005**Effective date:** May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1591 granting the Town of Orangetown (Orangetown) a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 222

Subject: Franchising process by the Town of Orangetown.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Town of Orangetown (Rockland County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(04-V-1591SA1)

NOTICE OF ADOPTION

Waiver of Franchising Process by the Village of Hastings-on-Hudson

I.D. No. PSC-03-05-00028-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1651 granting the Village of Hastings-on-Hudson a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Village of Hastings-on-Hudson.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Village of Hastings-on-Hudson (Westchester County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (04-V-1651SA1)

NOTICE OF ADOPTION

Waiver of Franchising Process by the Village of Scarsdale

I.D. No. PSC-03-05-00029-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1686 granting the Village of Scarsdale a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Village of Scarsdale.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Village of Scarsdale (Westchester County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (04-V-1686SA1)

NOTICE OF ADOPTION

Waiver of Certain Franchise Processes by the Town of Esopus

I.D. No. PSC-04-05-00009-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 04-V-1703 granting the Town of Esopus a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Town of Esopus.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Town of Esopus (Ulster County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (04-V-1703SA1)

NOTICE OF ADOPTION

Waiver of Certain Franchise Processes by the Village of Ardsley

I.D. No. PSC-04-05-00010-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 05-V-0008 granting the Village of Ardsley a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Village of Ardsley.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Village of Ardsley (Westchester County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (05-V-0008SA1)

NOTICE OF ADOPTION

Waiver of Certain Franchise Processes by the Village of Nyack

I.D. No. PSC-04-05-00011-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 05-V-0009 granting the Village of Nyack a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Village of Nyack.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Village of Nyack (Rockland County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (05-V-0009SA1)

NOTICE OF ADOPTION

Waiver of Certain Franchise Processes by the Village of Pomona

I.D. No. PSC-04-05-00012-A
Filing date: May 12, 2005
Effective date: May 12, 2005

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: The commission, on March 16, 2005, adopted an order in Case 05-V-0010 granting the Village of Pomona a waiver of 9 NYCRR sections 594.1 through 594.4 pertaining to the franchising process.

Statutory authority: Public Service Law, section 216(1)

Subject: Franchising process by the Village of Pomona.

Purpose: To waive certain preliminary franchising procedures.

Substance of final rule: The Commission approved a request by the Village of Pomona (Rockland County) for a waiver of 9 NYCRR Part 594.1 through 594.4 to expedite the franchising process.

Final rule compared with proposed rule: No changes.

Text of rule may be obtained from: Central Operations, Public Service Commission, Bldg. 3, 14th Fl., Empire State Plaza, Albany, NY 12223-1350, by fax to (518) 474-9842, by calling (518) 474-2500. An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (05-V-0010SA1)

**PROPOSED RULE MAKING
 NO HEARING(S) SCHEDULED**

Lightened Regulation by Caithness Long Island, LLC

I.D. No. PSC-22-05-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve or reject, in whole or in part, a petition by Caithness Long Island, LLC (Caithness) for approval of lightened regulation of it as an electric corporation operating in the competitive wholesale market.

Statutory authority: Public Service Law, sections 4(1), 69, 70 and 110

Subject: Lightened regulation of a competitive wholesale electric generator.

Purpose: To consider regulating Caithness under a lightened regulatory regime.

Substance of proposed rule: By petition filed January 26, 2005, supplemented by a letter dated March 28, 2005, Caithness Long Island, LLC seeks: (1) the approval of a rule, that is, the lightened regulation of it as an electric corporation operating in the competitive wholesale market consistent with the Public Service Commission's previous orders providing for lightened regulation for competitive wholesale generators; and (2) a license, that is, a Certificate of Public Convenience and Necessity pursuant to Section 68 of the Public Service Law authorizing the construction and operation of an approximately 346 MW natural gas-fired combined-cycle combustion turbine electric generating facility in the Town of Brookhaven, Suffolk County, to be known as the Caithness Long Island Energy Center.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0098SA1)

**PROPOSED RULE MAKING
 NO HEARING(S) SCHEDULED**

Uniform System of Accounts by Freeport Electric

I.D. No. PSC-22-05-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve or reject, in whole or in part, a petition filed by Freeport Electric seeking permission to defer all costs associated with the scrapping of inventory relating to the retirement of its diesel generators.

Statutory authority: Public Service Law, section 66(9)

Subject: Uniform system of accounts—request for accounting authorization.

Purpose: To defer expenses beyond the end of the current fiscal year.

Substance of proposed rule: Freeport Electric has recently decommissioned its two 10 MW diesel generators located at Power Plant #2 in Freeport, New York. In connection with this decommissioning, it was necessary for Freeport Electric to scrap from inventory spare parts associated with the decommissioned generators. Freeport Electric requests permission to defer all costs incurred in connection with the inventory reduction, net of salvage. If the Commission approves this deferral, there is a reasonable assurance that the Freeport Electric will be allowed to recover these costs in rates.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0550SA1)

**PROPOSED RULE MAKING
 NO HEARING(S) SCHEDULED**

Mini Rate Increase by Bath Electric, Gas & Water Systems

I.D. No. PSC-22-05-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a proposal filed by Bath Electric, Gas & Water Systems, to make various changes in the rates, charges, rules and regulations contained in its tariff schedule, P.S.C. No. 1—Electricity to become effective Sept. 1, 2005.

Statutory authority: Public Service Law, section 66(12)

Subject: Mini rate increase.

Purpose: To increase annual electric revenues by about \$287,275 or 7.9 percent.

Substance of proposed rule: On April 25, 2005, Bath Electric, Gas & Water Systems (Bath) filed proposed tariff revisions to increase its annual electric revenues by about \$287,275 or 7.9% to become effective Septem-

ber 1, 2005. The Commission may approve, reject or modify, in whole or in part, Bath's proposed tariff revisions.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0553SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Pole Attachment Rental Rate by Rochester Gas and Electric Corporation

I.D. No. PSC-22-05-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a proposal filed by Rochester Gas and Electric Corporation, to make various changes in the rates, charges, rules and regulations contained in its tariff schedule, P.S.C. No. 19—Electricity to become effective Aug. 1, 2005.

Statutory authority: Public Service Law, section 66(12)

Subject: Pole attachment rental rate.

Purpose: To revise the pole attachment rental rate.

Substance of proposed rule: On May 12, 2005, Rochester Gas and Electric Corporation (RG&E) filed proposed tariff revisions to revise its pole attachment rental rate and include the rate on a statement attached to RG&E's tariff schedule. The proposed effective date of RG&E's filing is August 1, 2005. The Commission may approve, reject or modify, in whole or in part, RG&E's proposed tariff revisions.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0566SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Mini Rate Increase by the Village of Arcade

I.D. No. PSC-22-05-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a proposal filed by the Village of Arcade, to make various changes in the rates, charges, rules and regulations contained in its tariff schedule, P.S.C. No. 1—Electricity to become effective Sept. 1, 2005.

Statutory authority: Public Service Law, section 66(12)

Subject: Mini rate increase.

Purpose: To increase annual electric revenues by about \$299,968 or 6.9 percent.

Substance of proposed rule: On May 13, 2005, the Village of Arcade (Arcade) filed proposed tariff revisions to increase its annual electric revenues by about \$299,968 or 6.9% to become effective September 1, 2005. Arcade is also proposing to make a rate design change for its demand metered classes, S.C. 2A – General Service – Demand Metered and S.C. No. 3 – Large General Service. The revision is intended to encourage summer usage by the large demand metered customers during non-peak periods. The Commission may approve, reject or modify, in whole or in part, Arcade's proposed tariff revisions.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0567SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Reconciliation of State Income Tax by Consolidated Edison Company of New York, Inc.

I.D. No. PSC-22-05-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a proposal filed by Consolidated Edison Company of New York, Inc. to make various changes in the rates, charges, rules and regulations contained in its tariff schedule, P.S.C. No. 9—Electricity to become effective Aug. 1, 2005.

Statutory authority: Public Service Law, section 66(12)

Subject: Reconciliation of State income tax.

Purpose: To modify the method of reconciling the refund of State income tax on a customer's bill.

Substance of proposed rule: On May 10, 2005, Consolidated Edison Company of New York, Inc. (Con Edison) filed proposed tariff revisions to modify the method of reconciling the refund of state income tax on a customer's bill. The proposed effective date of Con Edison's filing is August 1, 2005. The Commission may approve, reject or modify, in whole or in part, Con Edison's proposed tariff revisions.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0575SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Empire Zone Rider for Customers by Niagara Mohawk Power Corporation

I.D. No. PSC-22-05-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve, modify or reject, in whole or in part, a proposal filed by Niagara Mohawk Power Corporation to make various changes in the rates, charges, rules and regulations contained in its tariff schedule, P.S.C. No. 207—Electricity to become effective Aug. 1, 2005.

Statutory authority: Public Service Law, section 66(12)

Subject: Empire Zone Rider for customers served under Service Classification No. 7—Standby Service.

Purpose: To revise Rule 34-Program 2-Empire Zone Rider and Service Classification No. 7—Standby Service thereby allowing customers being served under Service Classification No. 7 to be able to retain or add an Empire Zone Rider to their billing under certain conditions.

Substance of proposed rule: On May 13, 2005, Niagara Mohawk Power Corporation (Niagara Mohawk or the company) filed proposed tariff revisions to revise the company's Economic Development Program to allow customers served under S.C. No. 7 - Standby Service to be able to retain or add Empire Zone Rider Credits to their billing under certain conditions. The proposed effective date of Niagara Mohawk's filing is August 1, 2005. The Commission may approve, reject or modify, in whole or in part, Niagara Mohawk's proposed tariff revisions.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillig, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(05-E-0581SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Lost and Unaccounted for Gas Adjustments by The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island

I.D. No. PSC-22-05-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The commission is considering a joint petition from The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island for rehearing, reconsideration and clarification of the commission's order establishing methodology for lost and unaccounted for gas adjustment issued April 5, 2005. The commission may adopt, modify or reject, in whole or in part, the relief requested.

Statutory authority: Public Service Law, sections 22 and 66(12)

Subject: Lost and unaccounted for gas adjustments.

Purpose: To consider the petition for rehearing, reconsideration and clarification.

Substance of proposed rule: The Commission is considering a joint petition from The Brooklyn Union Gas Company D/B/A KeySpan Energy Delivery New York and KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island for rehearing, reconsideration and clarification of the Commission's Order Establishing Methodology For Lost and Unaccounted for Gas Adjustment issued April 5, 2005. The Commission may adopt, modify or reject, in whole or in part, the relief requested.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillig, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(04-G-1278SA2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Lost and Unaccounted for Gas Adjustments by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.

I.D. No. PSC-22-05-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The commission is considering a joint petition from Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. for clarification of the commission's order establishing methodology for lost and unaccounted for gas adjustment issued April 5, 2005. The commission may adopt, modify or reject, in whole or in part, the relief requested.

Statutory authority: Public Service Law, sections 22 and 66(12)

Subject: Lost and unaccounted for gas adjustments.

Purpose: To consider the petition for clarification.

Substance of proposed rule: The Commission is considering a joint petition from Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. for clarification of the Commission's Order Establishing Methodology For Lost and Unaccounted for Gas Adjustment issued April 5, 2005. The Commission may adopt, modify or reject, in whole or in part, the relief requested.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaclyn A. Brillig, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(04-G-1278SA3)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

2003 DWSRF Emergency Capital Improvement Surcharge by Rainbow Water Company, Inc.

I.D. No. PSC-22-05-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering whether to approve or reject, in whole or in part, or modify, Rainbow Water Company, Inc.'s request to reduce its 2003 DWSRF emergency capital improvement surcharge.

Statutory authority: Public Service Law, section 89-c(10)

Subject: 2003 DWSRF emergency capital improvement surcharge.

Purpose: To reflect the final costs of the financing necessary to replace the pumping station.

Substance of proposed rule: On September 10, 2003 the Commission approved the request of Rainbow Water Company Inc. for approval of an Emergency Capital Improvement Surcharge to repay an Emergency Environmental Facilities Corporation loan used to cover the costs of the temporary pumping facilities and the replacement of its pumping station, pumping equipment and hydropneumatic tank estimated to cost about \$300,000. The initial surcharge was \$56.25 per quarter effective September 1, 2003. The surcharge was to be adjusted to reflect the actual costs of financing the necessary work net of insurance reimbursements. The total costs for the

resulting financing (principal, interest and administrative fees) is \$337,442. The company is proposing a levelized surcharge of \$47.93 per customer per quarter over the 20 year recovery period to become effective October 1, 2005. If the company experiences any undercollections/overcollections or changes in the levelized annual loan payments and associated charges required, it will file a new surcharge statement to become effective January 1 of the following year. Rainbow provides metered water service to 88 customers in the Rainbow Hill development in the Town of Carmel, Putnam County. Rainbow's tariff and amendments are available on the Commission's Home Page on the World Wide Web (www.dps.state.ny.us) – located under the Commission Documents – Tariffs. The Commission may approve or reject, in whole or in part, or modify Rainbow's request.

Text of proposed rule may be obtained from: Margaret Maguire, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223, (518) 474-3204

Data, views or arguments may be submitted to: Jaelyn A. Brillling, Secretary, Public Service Commission, Bldg. 3, Empire State Plaza, Albany, NY 12223-1350, (518) 474-6530

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(03-W-1026SA2)