

# RULE REVIEW

## Department of Agriculture and Markets Review of Existing Regulations

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rule which the Department of Agriculture and Markets has reviewed in 2006. Notice that a review of this regulation would be conducted and public comment on its continuation or modification accepted until March 31, 2006 was published in the January 4, 2006 *State Register*. All section and Part references are to Title 1 of the New York Code of Rules and Regulations.

Section 139.2 Control of the Asian Long Horned Beetle.

Statutory authority: Agriculture and Markets Law sections 18, 164 and 167, State Administrative Procedure Act section 202.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to preserve the Asian Long Horned Beetle quarantine in certain areas of Brooklyn, Queens and Manhattan, New York. The quarantine area has been repeatedly expanded in an effort to control the spread of the beetle, most recently in 2003.

Assessment of Public Comment: None received.

## Public Service Commission Notice of Continuation of Rules Without Modification

Pursuant to Section 207 of the State Administrative Procedure Act, on September 27, 2005, the Commission issued a Notice of Proposed Continuation of Rules, which was published in the Regulatory Agenda of the New York *State Register* on January 11, 2006.

The following rules should continue without modification:

### 1. Part 255

#### a. Description of rule:

The rule added several definitions to the Gas Safety rules, including: "abnormal operating condition," "evaluation," "qualified," and "covered tasks." The rule also added a new subsection entitled, "Operator Qualifications," which prescribes minimum requirements for individuals performing certain tasks on a pipeline facility.

#### b. Statutory authority: PSL Sections 4(1), 65(1) and 66(1).

#### c. Justification for continuing rule:

The rule was adopted to conform Part 255 to federal requirements at 49 CFR Part 192, Transportation of Natural Gas, to promote gas pipeline safety. The rule is needed to ensure that New York requirements for gas pipeline safety conform with federal requirements.

### 2. Part 753

#### a. Description of rule:

This rule added definitions of: "enforcement proceeding," "field citation," "notice of probable violation," "powered

equipment," "respondent" and "warning letter." The rule included procedures for emergency excavations and added a new subpart: 753-6 Enforcement Procedures.

#### b. Statutory authority: PSL Section 119-b, General Business Law Article 36.

#### c. Justification for continuing rule:

The rule is necessary for continued gas pipeline safety.

### 3. Part 93

#### a. Description of rule:

The rule allowed any energy service company or competitive meter service provider, subject to the Commission's consumer protection and oversight requirements, or any non residential customer that qualifies for the host utility's mandatory time of use rates, to apply for approval of an electric meter type intended for use in New York State.

#### b. Statutory authority: PSL Section 67(1) and (4).

#### c. Justification for continuing rule:

The rule is needed to continue allowing competitive companies to create and seek approval of electric meters. Competition will encourage innovation and creativity.

### 4. Part 3

#### a. Description of rule:

The rule added Section 3.5(g) (4) to the Commission's Rules of Procedure to allow parties to a proceeding to agree to service of documents electronically.

#### b. Statutory authority: PSL Sections 4(1) and 20(1).

#### c. Justification for continuing rule:

The rule was adopted to allow parties to serve each other by electronic mail if they consent. The rule has saved time and money for parties to Commission proceedings. The savings and efficiency are beneficial and should continue.

