

RULE REVIEW

Public Service Commission

NOTICE is hereby given that the Public Service Commission has reviewed the rules adopted in 2000 and 2005 as required by State Administrative Procedure Act § 207, and determined that the following rules will continue without change:

1. 16 NYCRR §§ 602.1 - 602.10, 603.1 - 603.5, and 644.2 (Case No. 97-C-0139)

a. Description of rules:

The rules revise former standards relating to telephone service quality and customer service.

b. Statutory authority: PSL §§ 4(1) and 94(2).

c. Justification for continuing rule:

The rules are necessary to protect against deterioration in telephone service quality, customer service, to streamline standards, and reduce regulatory burdens that would hinder further development of competition.

2. 16 NYCRR §§ 10 and 259 (Case No. 04-G-0544) (modified 1982)

a. Description of rules:

The rules update Liquefied Natural Gas (LNG) safety regulations to conform to Federal regulations.

b. Statutory authority: PSL § 66

c. Justification for continuing rule:

The rules implement Federal minimum safety standards at LNG facilities, develop a user friendly reporting protocol, and incorporate by reference new codes and standards.

3. 16 NYCRR §§ 890-899 (Case No. 01-V-0381)

a. Description of rules:

These rules reflect necessary change in the cable television regulatory environment that has not occurred since the adoption of prior rules in the 1970s. The rules, inter alia, retain prior customer service standards, change the maximum franchise term, streamline certain reporting requirements, revise technical standards, require Emergency Alert System activation, and incorporate Federal standards for franchise renewal, dispute mediation, and rates.

b. Statutory authority: PSL §§ 215, 216, 221, 222, and 224-a
CASE 01-M-1806

c. Justification for continuing rule:

The rules are necessary to streamline cable regulation, maintain consumer protections, correspond Commission rules to Federal Law, and conform cable regulation to the Commission's regulatory practices for other utilities.

4. 16 NYCRR §§ 10 and 255 (Case No. 04-G-1016)

a. Description of rules:

The rules bring gas safety regulations into accord with Federal regulations and updates codes and standards that are incorporated by reference.

b. Statutory authority: PSL §§ 66, 4(1), 5(1), 65(1), and 66(2).

c. Justification for continuing rule:

The rules are essential to prescribe minimum requirements for an integrity management program on gas transmission lines by designating elements of an effective integrity management program, and promulgate the training and knowledge criterion for pipeline supervisors.

5. 16 NYCRR §§ 10 and 255 (Case No. 02-G-0133)

a. Description of rules:

The rules update regulations and associated standards incorporated by reference regarding drug and alcohol testing of employees at natural gas and liquid petroleum pipeline facilities.

b. Statutory authority: PSL §§ 66, 4(1), 5(1), 65(1)

c. Justification for continuing rule:

The rules are a necessary safety device to prevent accidents and injuries resulting from drug and alcohol misuse on natural gas and liquid petroleum pipelines by requiring random drug and alcohol tests, setting policy for employees that refuse testing or test positive, and expansion of the alcohol misuse program.

6. 16 NYCRR §§ 10 and 255 (Case No. 04-G-1201)

a. Description of rules:

The rules update pipeline safety regulations and the associated codes and standards incorporated by reference.

b. Statutory authority: PSL § 66

CASE 01-M-1806

c. Justification for continuing rule:

The rules are a necessary update to the safety regulations for the transmission and distribution of gas relevant to pipe repair and corrosion control, valve maintenance records, and welding inspector qualifications.

7. 16 NYCRR §§ 5.8(e) and 6 (Case No. 05-M-0603)

a. Description of rules:

The rules implement safeguards to limit access to information on critical infrastructure and confidential commercial information in the department's possession.

b. Statutory authority: PSL §§ 4(1), 20(1), and POL §§ 87(1)(b), 94(2)

c. Justification for continuing rule:

The rules are necessary to limit the scope of discovery demands by restricting access to records pertaining to critical infrastructure, confidential commercial information, and trade secrets.

8. 16 NYCRR § 85-2 (Case No. 05-M-0679)

a. Description of rules:

The rules update Department legal procedures and apply to all electric and fuel gas transmission lines over 10 miles long.

b. Statutory authority: PSL §§ 4(1), and 20(1)

c. Justification for continuing rule:

The rules are necessary updates relevant to proper filing of documents with the Department, the intervention of third parties in department proceedings, and notice to stakeholders.

