

RULE REVIEW

Public Service Commission

NOTICE is hereby given that the Public Service Commission has reviewed the rules adopted in 2001 and 2006 as required by State Administrative Procedure Act § 207, and determined that the following rules will continue without change:

1. 16 NYCRR § 255

a. Description of rules:

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 §§ 4(1), 65(1), and 66(1).

c. Justification for continuing rules:

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. 16 NYCRR §§ 85-2, 86.8, and 88.4

a. Description of rules:

In order to make it possible for the Commission to act on a national interest electric transmission corridor (NIETC) project within a year a new § 85-2.9 was added to specify precisely the information an application for an electric transmission line in a NIETC project must contain to be considered “filed.” This section streamlines the review process by identifying application requirements specific to portions of transmission lines that are proposed to be installed overhead, underground or underwater, thus avoiding the need to process a significant number of waiver requests. Section 86.8, Exhibit 7: Local Ordinances was amended so as to clarify the obligations of all applicants as to the filing requirements for all local ordinances, laws, resolutions, standards and other requirements, and section 88.4, Exhibit E-4: Engineering Justification was amended to require submission of a system reliability impact study.

b. Statutory authority: PSL §§ 4(1), 20(1), 122(1)(f).

c. Justification for continuing rules:

The rules streamline the review process by clarification of what an application for an electric transmission line must contain to be considered “filed,” augments filing requirements regarding substantive local legal provisions, and clarifies the transmission system studies to be provided in all applications.

3. 16 NYCRR Part 753

a. Description of rules:

The amendments to Part 753 “Protection of Underground Facilities” updates the regulations by clarifying definitions and requiring operators to develop a means of providing information regarding the location of underground facilities to facilitate future design projects, and adds a new section 753-6 describing the enforcement authority and sanctions available to the Public Service Commission.

b. Statutory authority: PSL § 119-b and General Business Law Article 36.

c. Justification for continuing rules:

The rule supports Staff’s oversight of underground utilities excavation and authorizes the Public Service Commission to utilize enforcement capabilities in the protection of underground facilities.

4. 16 NYCRR Part 93 (Case No. 99-E-1691).

a. Description of rules:

The amendments to Part 93 encourage competition in electricity meter sales by allowing any energy services company or competitive meter service provider to apply for approval of a type of meter intended for use in New York.

b. Statutory authority: PSL § 67(4).

c. Justification for continuing rules:

The amendments to the rule were promulgated to open the market for sales of electric meters to promote competition and expand customer choice.

