

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 01-M-1806 - In the Matter of the Review of Existing
Commission Rules and Regulations Pursuant to
State Administrative Procedure Act, Section
207.

NOTICE OF PROPOSED CONTINUATION OF RULES

(Issued December 5, 2024)

Pursuant to Section 207 of the State Administrative Procedure Act, **NOTICE** is hereby given regarding the Rule Review appended hereto. The rules, adopted in 1999 and 2004, are proposed to be continued without change. They include the following: 16 NYCRR Part 650, which revised customer owned coin operated telephone rules and brought the regulations into conformity with federal regulations; 16 NYCRR Part 262, which required operators of pipeline facilities to test employees for the presence of alcohol and prohibited drugs and provide an employee assistance program; 16 NYCRR Parts 150-152, 165-172, 290-292, 310-317, 440-441, 541-542 and Appendix 4A (*repealed*), §10.2b and Parts 165-167, 310, 312 and 731-733 (*added*), and §663.1 (*amended*), pertaining to federally mandated utility reporting requirements related to a Uniform System of Accounts for Public Utilities and natural gas companies; 16 NYCRR Part 92, which streamlined and simplified the rules for meter testing and reporting; and 16 NYCRR Parts 11 and 12, which amended the Home Energy Fair Practices Act rules.

Comments on the Rule Review are requested by **February 3, 2025**, and may be filed by going to www.dps.ny.gov, clicking on "File Search" (located under the heading "Commission Files"), entering "01-M-1806" in the "Search by Case Number" field, and then clicking on the "Post Comments" box located at the top of the page. Those unable to file electronically may

mail their comments to the Hon. Michelle L. Phillips, Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. All comments submitted to the Secretary will be posted on the Department's website (www.dps.ny.gov) and will become part of the record in this proceeding.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Rule Review

PUBLIC SERVICE COMMISSION

Pursuant to Section 207 of the State Administrative Procedure Act: Review of Existing Rules, notice is hereby provided that the Public Service Commission proposes to continue the following rules, adopted in 1999 and 2004, without modification:

1. 16 NYCRR Part 650 (Case No. 96-C-1174 and 93-C-0142).

a. Description of rules:

The 1999 amendments to 16 NYCRR Part 650 revised customer owned coin operated telephone (COCOT) rules to address and implement the FCC's revisions to the Telecommunications Act of 1996 related to payphone regulations.

b. Statutory Authority: Public Service Law (PSL) §§90(3), 92-c, and 94(2).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

The 1999 amendments to 16 NYCRR Part 650 reflected changes in the Telecommunications Act of 1996 which deregulated payphone rates and eliminated the distinction between COCOTs and local exchange company (LEC) pay-phones. The rules changed the term "COCOT" to "payphone" to reflect that change. The rules detailed what information must be posted on payphone placards and also reworded enforcement provisions for violations of the payphone rules.

2. 16 NYCRR Part 262 (Case No. 97-G-0230).

a. Description of rules:

This rule, adopted in 1999, required operators of pipeline facilities subject to Parts 192, 193 or 195 of Title 49 of the Code of Federal Regulations (49 CFR) to test employees for the presence of prohibited drugs and to provide an employee assistance program.

b. Statutory Authority: Public Service Law §§65(1) and 66(1).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

The intent of these amendments was to bring the State's pipeline safety regulations into conformance with the counterpart Federal Department of Transportation regulations, which had been amended several times over the previous years. The most significant revision was the addition of regulations pertaining to alcohol testing. The New York State Public Service Commission is certified under §60105(a) of the Federal Accountable Pipeline Safety and Partnership Act of 1996 (49 U.S.C. §60105(a)) to act as a representative for the Administrator of the Research and Special Programs Administration (RSPA) in enforcing pipeline safety regulations within New York State. A requirement of that certification is that state regulations be at least as stringent as federal regulations.

3. 16 NYCRR Parts 150-152, 165-172, 290-292, 310-317, 440-441, 541-542 and Appendix 4A (*repealed*); §10.2b and Parts 165-167, 310, 312 and 731-733 (*added*); §663.1 (*amended*) (Case No. 98-M-0756).

a. Description of Rules:

These changes, adopted in 1999, streamlined certain rules and reporting requirements applicable to the utilities DPS regulates.

b. Statutory Authority: PSL §§66(4) and (10), 80(3) and (8), 89-c(3) and (8), and 95(2).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

The rule changes brought DPS into compliance with federal regulations, 18 CFR Part 101, and 18 CFR Part 201, pertaining to Uniform System of Accounts for public utilities and natural gas companies.

4. 16 NYCRR Part 92 (Case No. 02-E-0255).

a. Description of rules:

The 2004 revisions to 16 NYCRR Part 92 streamlined and simplified the existing rules for meter testing and reporting. These changes were made to recognize advances in technology and to promote and encourage competitive metering.

b. Statutory authority: PSL §67(4).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

Meter accuracy is important for all utility customers in New York, including customers served by competitive metering providers and local distribution companies. The Commission will continue to depend on a variety of methods to ensure the accuracy of the electric meter population in the state including meter acceptance testing and certification of utility meter testing facilities.

5. 16 NYCRR Parts 11 and 12 (Case No. 03-M-0117).

a. Description of rules:

This rule, adopted in 2004, amended the Home Energy Fair Practices Act (HEFPA) rules.

b. Statutory authority: PSL §§30-53, 4(1), 66, and 80(1).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules:

These 2004 amendments provided clarification of the rules via the consistent use of terminology and set forth termination and disconnection procedures. The amendments also clarified the procedures for energy service companies (ESCOs) seeking suspension of a residential customer's distribution service by directing the utilities to apply 16 NYCRR §§11.4(a) and 11.4(b). They also amended the required contents of ESCO notices of termination.