

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  
the State Administrative Procedure Act, Section  
207.

NOTICE OF PROPOSED CONTINUATION OF RULES

(Issued January 21, 2025)

Pursuant to Section 207 of the State Administrative Procedure Act, **NOTICE** is hereby given regarding the Rules Review appended hereto. The rules, adopted in 2000, 2005, 2010, 2015, 2020, and 2022, are proposed to be continued without change. The rules include: 16 NYCRR Parts 602 and 603 and §644.2, revising telephone quality and customer service standards; 16 NYCRR Parts 890 - 899, updating cable television regulations; 16 NYCRR Part 255, revising gas safety regulations to conform with federal regulations; 16 NYCRR §10.2(b) and Parts 167 and 312, revising Uniform System of Accounts and PSC Annual Reports for electric and gas utilities; 16 NYCRR Parts 1000 and 1001, streamlining siting of renewable energy facilities; and 16 NYCRR Part 255, revising gas safety regulations to improve operator qualifications.

Comments on the Rule Review are requested by **March 24, 2025**, and may be filed by going to [www.dps.ny.gov](http://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 comments 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

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Secretary will be posted on the Department's website,  
[www.dps.ny.gov](http://www.dps.ny.gov), and will become part of the record in Case 01-M-  
1806.

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary

**Rule Review**

**PUBLIC SERVICE COMMISSION**

Pursuant to §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 2000, 2005, 2010, 2015, 2020, and 2022, without modification:

1. 16 NYCRR Parts 602 and 603 and §644.2 (Case No. 97-C-0139).
  - a. Description of rules:

These rules pertain to telephone service quality and customer service standards. These revisions, enacted in 2000, reflect the impact of a growing competitive environment for local exchange telephone service. The revisions protected against deterioration of telephone service quality, streamline existing rules, and reduce regulatory burdens hindering the development of competition in the local exchange market. Significant revisions included: deletion of the Maintenance Service Incentive and Rebate Plan, the Installation Service Incentive and Rebate Plan, Directory Assistance Answer Time, and Percent Missed Repair Appointments; addition of measures of service affecting conditions longer than 48 hours and final trunk blockage; streamlining reporting requirements for companies with less than 500,000 access lines, and performance standards.
  - b. Statutory Authority: PSL §§4(1) 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:

Continued oversight of local exchange carriers is necessary to protect the consumer despite the introduction of competition and significant modifications to the proposed rules strengthen them in comparison to the prior rules.

2. 16 NYCRR Parts 890 through 899 (Case No. 01-V-0381).

a. Description of rules:

These rules, adopted in 2005, (1) updated the regulatory framework of cable television to reflect changes to federal law in 1984 and 1996; (2) conformed cable regulation with the New York State Public Service Commission's regulatory practices for other utilities; and (3) moved cable television rules from the Executive Regulations in 9 NYCRR Parts 590 to 599 to the Department of Public Service Regulations at 16 NYCRR Parts 890 through 899.

b. Statutory Authority: PSL §§215, 216, 221, 222, and 224-a.

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 rules conform cable television technical standards to industry standards, streamline reporting requirements for cable companies, promote competition, require activation of Emergency Alert Systems, and maintain consumer protections and service standards.

3. 16 NYCRR Part 255, Gas Safety Regulations (Case No. 14-G-0357)

a. Description of rules:

These rules, adopted in 2015, revised the Commission's safety standards for transportation of natural gas via pipeline. The revisions pertained to five parts of the regulations - 16 NYCRR §255.3(a)(29) (definition of gas "service line"); 16 NYCRR §255.723 (applies leakage survey requirements to expanded area affected by new definition of "service line"); 16 NYCRR §255.507 (eliminates the option of solely soap testing small sections of gas pipe before placing pipe into service); 16 NYCRR §255.619 (eliminates operators' option to throttle gas pressure in delivery lines once every five years to maintain their current Maximum Allowable Operating Pressure; and 16 NYCRR §255.625 (removes the odorization exception for gas being transported to storage).

b. Statutory Authority: PSL §§4, 5, 65, and 66.

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 revisions align the language of the Commission's gas safety regulations with their corollary federal regulations. The most significant revision extended the Commission's jurisdiction over gas piping inside buildings up to the customer's meter (or to the customer piping if there is no meter). The federal Pipeline and Hazardous Materials Administration made clear that to maintain certification, technical compliance with the federal definition of gas service - which extends state jurisdiction from the first accessible fitting at a building wall to the gas meter no matter its location in a building - was necessary. Changing the definition of gas service line from the outermost location of the building to where the meter is located required that utilities take on expanded responsibilities in performing leakage surveys and corrosion inspections up to the meter.

4. 16 NYCRR §10.2(b) and Parts 167 and 312, to add new §§167.5, 167.6, 312.5, and 312.6 (Case No. 14-M-0450).

a. Description of rules:

These rules, adopted in 2015, revised the Uniform System of Accounts and PSC Annual Reports for Electric and Gas Utilities, amending Rules and Regulations of the PSC contained in 16 NYCRR Chapter I, Subchapter A; Chapter II, Subchapters E and F; Chapter III, Subchapters E and F; Chapter IV, Subchapter E; and Chapter VII, Subchapter D, regarding Referenced Material, Records and Reports and the Uniform System of Accounts.

b. Statutory Authority: PSL §§66(4), 66(10), and 80(3).

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:

Revision of 16 NYCRR §10.2(b) was necessary to reference the Federal Energy Regulatory Commission Uniform System of Accounts as of April 1, 2015. The Commission revision of 16 NYCRR Parts 167 and 312, to add new §§167.5, 167.6, 312.5, and 312.6, established separate revenue accounts and instructions to record delivery revenues for customers served by energy service providers. The

new subdivisions also established instructions to account for the gains or losses from the settlement of asset retirement obligations.

5. 16 NYCRR Parts 1000 and 1001 (Case No. 20-F-0067).

a. Description of rules:

These rules, adopted in 2020, revised 16 NYCRR Parts 1000 and 1001 to streamline the siting of renewable energy facilities under Public Service Law Article 10. The rules removed provisions that automatically categorize any relocation of a wind turbine, access road, or electric collector line by greater than 500 feet as a “revision” of an application or a Certificate of Environmental Compatibility and Public Need (Certificate) and, instead, the revisions focused on whether the relocation is likely to result in a significant adverse environmental impact. These rules also mandated consultation with DPS staff regarding proposed amendments to Certificates or applications and set a timeframe for a determination regarding whether an amendment is a revision or a modification. The rules provided flexibility in renewable energy construction projects by allowing non-major changes during construction while adhering to strict standards and conditions adopted as part of any Certificate.

b. Statutory Authority: PSL §§161 and 165(5).

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 rules ensure Public Service Law Article 10 is implemented to protect the public health and environment in a manner that does not delay or jeopardize the siting of renewable energy. The rules allow holders of a Certificate to relocate project elements to mitigate environmental impacts, reroute lines, or relocate interconnection points without triggering a lengthy administrative hearing process, thus avoiding construction delays that jeopardize completion of renewable energy projects and potentially discourage new projects. Construction delays render projects uneconomic, jeopardize eligibility for tax credits, impede achievement of construction milestones needed to achieve grid interconnection rights, and negatively impact time-sensitive financing commitments. These rules

make amendments to address provisions that could cause renewable energy projects to miss critical deadlines, potentially resulting in these projects never being built.

6. 16 NYCRR Part 255 (Case No. 19-G-0736).

a. Description of rules:

These rules, adopted in 2022, revised 16 NYCRR Part 255 to improve operator qualifications and make technical clarifications concerning safety regulations for pipeline facilities.

b. Statutory Authority: PSL §66.

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 rules ensure adequate operator qualification training and align the Commission's regulations with federal regulations from the Pipeline and Hazardous Materials Safety Administration that increased skills trainings and improved evaluations and recordkeeping for operators.