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#### § 230.1 Definitions

Unless the context otherwise requires, as used in this Part:

(a) The term main means a pipeline located on a public or private right-of-way which is generally available or used to transport gas to more than one service line.

(b) The term service line means a piping, including associated metering and pressure reducing appurtenances, that transports gas below grade from a main to the first accessible fitting inside the wall of a customer's building when a meter is located within the building; if a meter is located outside the building, the service line will be deemed to terminate at the outside of the building foundation wall.

(c) The term public right-of-way means the territorial limits of any street, avenue, road or way (other than a limited access thoroughfare) that is for any highway purpose under the jurisdiction of the State of New York or the legislative body of any county, city, town or village and is open to public use.

(d) The term adjusted gas revenue means the revenue realized from the applicable service classification rates and charges, minus revenue taxes, the minimum charge and the cost of gas.

#### § 230.2 Provision of gas service

(a) Utility obligation to provide gas service. When an application for gas service is made to a gas corporation by the owner or occupant of a building situated on property abutting on or having access to any public right-of-way in which the governmental authority having jurisdiction will permit the corporation to install and maintain facilities, the corporation shall render the service requested in accordance with the provisions of this Part. If due to unusual circumstances the actual cost per foot of a particular installation is greater than two times the corporation's average cost per foot of new installations for service for the 12 months ended September 30th of the previous year, it may apply to the commission for relief from so much of this Part as it deems necessary in order to provide the service.

(b) Obligations of all applicants. An applicant shall first have:

(1) assured the corporation that he/she will be a reasonably permanent customer;

(2) agreed in writing to pay to the corporation:

(i) the material and installation costs relating to any portion of the service line, service connections and appurtenant facilities located on his/her property that exceeds the portion which the corporation is required to install without charge;

(ii) any surcharge relating to the portion of the main and appurtenant facilities that exceeds the portion which the corporation is required to install without charge; and

(iii) the rates charged like customers; and

(3) furnished reasonable security as to the performance of his/her agreement, if required to do so by the corporation.

(c) Residential applicant--nonheating. If an applicant requests residential nonheating service, the gas corporation shall furnish, place and construct all mains, service lines, service connections and appurtenant facilities necessary to render the service requested. The cost and expense which the corporation must bear shall include:

(1) the material and installation costs relating to up to 100 feet of main, service line measured from the centerline of the public right-of-way (or the main if it is closer to the customer and development will be limited to one side of the

right-of-way for at least 10 years), service connections and appurtenant facilities, but not less than 100 feet of main (if necessary) plus the length of service line necessary to reach the edge of the public right-of-way; and

(2) the amounts paid to governmental authorities for permits to do the work required and all paving charges that are legally imposed by any governmental authority for the repair or replacement of any street or sidewalk disturbed in the course of such installation.

(d) Residential applicant--heating. If an applicant requests residential heating service, the corporation shall furnish, place and construct all mains, service lines, service connections and appurtenant facilities necessary to render the service requested. The cost and expense which the corporation must bear shall include:

(1) the material and installation costs relating to:

(i) up to 100 feet of main and appurtenant facilities; and

(ii) up to 100 feet of service line measured from the centerline of the public right-of-way (or the main if it is closer to the customer and development will be limited to one side of the right-of-way for at least 10 years), service connections and appurtenant facilities; but not less than the length of service line necessary to reach the edge of the public right-of-way; and

(2) the amounts legally imposed by governmental authorities for obtaining required work permits and for repairing or replacing disturbed pavement.

(e) Nonresidential applicant. If an applicant which will be a firm, nondual-fuel customer requests service other than residential service, the corporation shall furnish, place and construct all mains, service lines, service connections and appurtenant facilities necessary to render the service requested. The cost and expense which the corporation must bear shall include:

(1) the material and installation costs relating to:

(i) up to 100 feet of main and appurtenant facilities; and

(ii) any service line, service connections and appurtenant facilities located in the public right-of-way; and

(2) the amounts legally imposed by governmental authorities for obtaining required work permits and for repairing or replacing disturbed pavement.

(f) Matters reserved for utilities' tariffs. This section sets forth the minimum obligations of gas corporations with respect to the facilities required to be provided without charge to applicants for residential service and firm, nondual-fuel nonresidential service. Each corporation may, in its tariff schedules, extend such obligation, to the extent the provision of additional facilities without charge is cost-justified. Each corporation's obligations with respect to applicants for interruptible or dual-fuel nonresidential service shall be governed by tariffs approved by the commission.

### § 230.3 Charges for additional facilities

(a) If, in order to provide service to an applicant, the gas corporation must install mains and appurtenant facilities in addition to those required to be provided without charge under section 230.2 of this Part, the corporation shall impose a surcharge subject to the following provisions.

(1) The surcharge relating to mains and appurtenant facilities including return, depreciation, taxes and maintenance shall not exceed 20 percent per year of the actual reasonable cost of such facilities that exceeds the portion which the corporation is required to install without charge to an applicant, if the corporation lays a main of four inches or less in nominal diameter (in the case of low pressure distribution) or of two inches or less in nominal diameter (in the case of high pressure distribution). If the corporation lays a main greater than four inches in nominal diameter (in the case of low pressure distribution) or greater than two inches in nominal diameter (in the case of high pressure distribution), the surcharge shall not exceed 20 percent per year of the estimated reasonable cost of a four-inch main (in the case of low pressure distribution), unless the estimated consumption of the proposed customer(s) requires the installation of a larger-sized main, in which event the surcharge shall not exceed 20 percent per year of the actual reasonable cost of such main. The surcharge shall commence when gas service is first available to an applicant and shall be paid ratably for each billing period.

(2) The surcharge shall be reduced by 50 percent of adjusted gas revenues, but the credit shall not exceed the amount of the surcharge as determined above.

(3) Whenever more than one customer is connected to a main extension, the surcharge shall be so adjusted that the corporation shall not receive in any one calendar year a greater percentage from all customers served from the main extension than that applicable to such extension. The surcharge shall also be reasonably allocated among the customers being served from the main extension, taking into account the portion of mains and appurtenant facilities which the corporation is required to provide without charge to each customer served from such facilities.

(4) Each surcharge shall cease:

(i) whenever the length of a main extension required to be provided without charge to all customers served from such extension shall equal or exceed the total length of such extension;

(ii) whenever the total adjusted gas revenue from all customers served from a main extension shall equal or exceed 40 percent of the cost of such extension in excess of that required to be provided without charge, in each of any two consecutive calendar years; or

(iii) after a period of 10 years following its commencement.

(5) Should the adjusted gas revenue from all customers served from a main extension exceed the carrying cost of the entire extension, any surcharges (or contributions) paid by such customers during the preceding five years shall be refunded to such customers.

(6) No surcharge shall be imposed if the total adjusted gas revenue from all customers served from a main extension is estimated to exceed 40 percent of the actual reasonable cost of such extension in each of any two consecutive calendar years.

(b) If, in order to provide service to an applicant, the gas corporation must install service lines, service connections and appurtenant facilities in addition to those required to be provided without charge under section 230.2 of this Part, the corporation may impose a charge for material and installation costs as set forth in its tariff approved by the commission.

#### § 230.4 Furnishing of rights-of-way or agreement to pay costs

(a) Each applicant or customer shall execute and deliver to the gas corporation from which service is requested or by which service is being provided, free from cost, satisfactory permanent easements or rights-of-way to permit the corporation to provide service.

(b) The corporation shall not be obliged to provide service to any applicant or customer which has neither:

(1) delivered to the corporation satisfactory permanent easements of rights-of-way; nor

(2) requested that the corporation obtain such easements or rights-of-way, agreed to pay any costs which the corporation incurs in obtaining them and (if required to do so by the corporation) furnished reasonable security as to the performance of his agreement.

#### § 230.5 Installation before service required

Whenever a gas corporation installs service lines, service connections or appurtenant facilities at the request of an applicant who does not immediately desire service, the applicant shall bear the entire reasonable expense of providing, placing and constructing such facilities but shall be entitled to a refund whenever gas service is begun for such part of the expense as the corporation is herein before required to assume. The refund shall be the cost of the service lines and appurtenances, less depreciation at the rate of three percent per year.

#### § 230.6 Inspection, maintenance and replacement of facilities

(a) Each gas corporation shall be solely responsible for the inspection, testing, operation, maintenance, replacement and reconstruction of all mains, service lines, service connections and appurtenant facilities which it uses to supply gas to customers.

(b) The corporation shall bear the cost of inspecting, testing and operating all facilities. It shall bear the cost of maintaining, replacing or reconstructing all main and appurtenant facilities. It shall also bear the cost of maintaining, replacing or reconstructing the service line and appurtenant facilities necessary to serve each as if such customer were an applicant for service, unless an act or omission of the customer necessitates the replacement or reconstruction.

(c) If an act or omission of any customer who had installed facilities necessitates the replacement or reconstruction of such facilities, the customer shall pay to the corporation the cost of replacement or reconstruction.