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§ 7.1 Purpose

This Part sets forth procedures in addition to those contained in *6 NYCRR Part 617*, which are necessary for the commission's implementation of the State Environmental Quality Review Act. The terms used in this Part have the meanings given them in *6 NYCRR 617.2*, unless the context otherwise requires.

§ 7.2 Types of actions

(a) Type I actions (which are more likely to require the preparation of environmental impact statements than unlisted actions) are listed in *6 NYCRR 617.12*. Type II actions (which have been determined not to have a significant adverse effect on the environment) are listed in *6 NYCRR 617.13* and in the following subdivision. Neither new programs nor major changes in priorities with respect to policies, regulations and procedures are included.

(b) The adoption of policies, regulations and procedures constitutes the undertaking of a type II action if it relates to:

(1) routine administration and management of the commission's functions, including but not limited to rules establishing procedures for the orderly conduct of business before the commission (e.g., Rules of Procedure, 16 NYCRR, Chapter I, which set forth such matters as the procedures for hearings and rehearings and the content of applications and exhibits);

(2) practices by utilities concerning administration and management of utility functions, including but not limited to rules relating to:

(i) utility reports;

(ii) the preparation of tariff schedules;

(iii) the uniform system of accounts;

(iv) contract and procurement procedures; and

(v) notice of issuance of securities;

(3) practices by utilities concerning customer relations, including but not limited to rules governing:

(i) service standards;

(ii) gas standards;

(iii) consumer deposits;

(iv) bills for service;

(v) notice for interruptible service;

(vi) complaint procedures; and

(vii) limitations of liability;

(4) activities by utilities concerning testing, inspection, repair and maintenance of existing facilities, including rules governing meter testing, inspection, repair and maintenance requirements; or

(5) safety measures for design, testing, operation and maintenance of utility facilities, unrelated to siting authorization, including rules governing the reporting of accidents by electric utilities.

§ 7.3 Environmental review procedures

(a) When the commission is the lead agency with respect to an action that may have a significant adverse effect on the environment and a hearing concerning such action is required by statute, the commission will file a copy of the draft environmental impact statement (EIS) which has been prepared, together with a notice of its completion and a notice of hearing, in accordance with the requirements of *6 NYCRR 617.10*. The commission will cause the notice of hearing to be published at least 14 days in advance of the hearing in a newspaper of general circulation in the area of the potential effects of the action. The hearing will commence no less than 15, nor more than 60 days after the filing of the draft EIS.

(b) (1) The tentative or recommended decision issued in the proceeding will contain a final EIS, unless:

(i) the action has been withdrawn; or

(ii) on the basis of the record of the proceeding (including the draft EIS and any comments received thereon), the Administrative Law Judge issuing such decision determines that the action will not have a significant adverse effect on the environment.

(2) If the tentative or recommended decision contains a final EIS, it will be issued within 45 days of the close of the record, unless such time is extended:

(i) where it is determined that additional time is necessary to prepare the EIS adequately;

(ii) where problems have been identified which require the material reconsideration or modification of the action; or

(iii) for other good cause.

(3) If the Administrative Law Judge has determined that the action will not have a significant adverse effect on the environment, the notice of such determination will be filed in accordance with *6 NYCRR 617.10*. If the tentative or recommended decision contains a final EIS, copies of the decision (together with a notice of its completion) will be filed in accordance with *6 NYCRR 617.10*.

(c) Where an action proposed by an applicant has been the subject of a final EIS, the commission will render its decision on whether or not to approve such action within 30 days after the filing of the final EIS, except for good cause.