
NEW YORK STATE **REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on February 3, 2019
- the 30-day period expires on January 4, 2019

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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E-mail: adminrules@dos.ny.gov

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Licensing of Malt Operators and Processors

I.D. No. AAM-49-18-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to renumber section 276.4(e), (f); and add new section 276.4(e) and (g) to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18 and 251-z-4

Subject: Licensing of malt operators and processors.

Purpose: To exempt malt operators and processors producing under a certain volume from licensing requirements and fees.

Text of proposed rule: Section 276.1 of 1 NYCRR is amended to read as follows:

All food processing establishments subject to regulation under article 20-C of the Agriculture and Markets Law shall be subject to the current good manufacturing practices of Part [261] 260 of this Title unless exempted by said article 20-C or by this Part.

Subdivisions (g) and (h) of section 276.4 of 1 NYCRR are re-lettered to be subdivisions (i) and (j), respectively.

Section 276.4 of 1 NYCRR is amended by adding thereto a new subdivision (g), to read as follows:

(g) *Malt Operators and Processors.*

(1) *Definitions. As used in this subdivision:*

(i) *Malting is the process of converting barley or other cereal*

grains, such as oats, wheat or rye, into malt for use in brewing and/or distilling, and takes place in a maltings, sometimes called a malthouse, or a malting floor.

(ii) *Person means a natural person, partnership, corporation, association, limited liability company or other legal entity.*

(iii) *Processing means that term as defined in Agriculture and Markets Law section 251-z-2(4) except processing, as used in this subdivision, shall not mean non-mechanical drying.*

(2) *Any person who participates in the process of malting in a volume that does not exceed 4,000,000 lbs annually shall be exempt from the licensing requirements of Article 20-C of the Agriculture and Markets Law, and shall be exempt annually from the license fee requirement of Agriculture and Markets Law section 251-z-2(4), provided that:*

(i) *such establishment is maintained in a sanitary condition and follows the current good manufacturing practices set forth in Part 260 of this Title; and*

(ii) *no other food processing operations for which licensing under article 20-C of the Agriculture and Markets Law is required are being conducted at the establishment.*

Text of proposed rule and any required statements and analyses may be obtained from: John Luker, NYS Dept. of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-4492, email: John.Luker@agriculture.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The proposed rule will amend 1 NYCRR section 276.4 to exempt malt operators and processors who process 4,000,000 lbs. or less of malt annually from having to obtain a license and payment of any otherwise required application fees.

The related craft beer industry ingredient, hops, has been exempt from the 20-C license fee since 2014. This proposed rule would add the other related ingredient, malt, to the list of exemptions, if processing under 4,000,000 lbs. of malt annually.

The proposed rule is non-controversial in that it will remove a regulatory burden upon certain malt operators and processors. Similar exemptions for malt ingredients have been adopted or are in use in the great majority of states.

Further, the removal of such burden may encourage people to enter those businesses and will improve the economic condition of those who already operate as malt operators or processors. Agriculture is one of the State's largest industries and has recently been growing, and this rule will contribute to that trend. The proposed rule will not, therefore, have any adverse impact upon regulated businesses and is, therefore, non-controversial.

Job Impact Statement

The proposed rule will not have an adverse impact upon employment opportunities.

The proposed rule will exempt malt operators and processors who process 4,000,000 lbs. of malt or less annually from having to obtain a food processing license and pay any otherwise required licensing fees. The proposed rule, by removing a regulatory burden upon such businesses, will have no adverse impact upon jobs.

New York State Authorities Budget Office

NOTICE OF ADOPTION

Industrial Development Agencies and Authorities (IDAs)

I.D. No. ABO-34-18-00005-A

Filing No. 1082

Filing Date: 2018-11-14

Effective Date: 2018-12-05

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 250 to Title 19 NYCRR.

Statutory authority: Public Authorities Law, sections 2(2), 6(e), (h); L. 2005, ch. 766; L. 2009, ch. 506; General Municipal Law, section 875(7)

Subject: Industrial Development Agencies and Authorities (IDAs).

Purpose: To increase the accountability and improve the efficiency and transparency of the operations of industrial development agencies.

Text of final rule: A new Part 250 is proposed to be added to Title 19 of the New York Codes, Rules, and Regulations (NYCRR) as follows:

Part 250.1 Standard Application Form

(a) Each industrial development agency or authority shall develop a standard application form, which shall be posted and be made publicly accessible on its website. Such Standard Application Form shall be used by the agency or authority to accept requests for financial assistance from all individuals, firms, companies, developers or other entities or organizations. The standard application form shall include the following, including all supporting documents and information provided by or on behalf of the applicant:

(i) the name and address of the project applicant;

(ii) a description of the proposed project for which financial assistance is requested, including the type of project, proposed location and purpose of the project;

(iii) the amount and type of financial assistance being requested, including the itemized estimated value of each type of tax exemption sought to be claimed by reason of the agency or authority involvement in the project;

(iv) a statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the agency or authority, or, if the project could be undertaken without financial assistance provided by the agency or authority, a statement indicating why the project should be undertaken by the agency or authority;

(v) an itemized estimate of capital costs of the project, including all costs of each real property and equipment acquisition and building construction or reconstruction, financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources, and an estimate of both the total amount to be invested by the applicant and the amount to be borrowed to finance the project.

(vi) the projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted (and if part-time jobs are part of the financial assistance a proportion of a full time equivalent job is to be calculated), the projected monthly timeframe for the creation of new jobs per year, the estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted, and an estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the economic development law or the labor market area as defined by the agency or authority, in which the project is located that would fill such jobs. The labor market area defined by the agency or authority for this purpose may include no more than six contiguous counties in the state, including the county in which the project is to be located;

(vii) a statement, signed by an individual authorized to bind the project applicant, expressing that the provisions of subdivision one of section eight hundred sixty-two of this chapter will not be violated if financial assistance is provided for the proposed project; e.g., for interstate moves, "The completion of this entire project will not result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state." Or in the event that such project moves intrastate, "The completion of this entire

project will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state because the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry."

(viii) a statement signed by an individual authorized to bind the project applicant that the owner, occupant or operator receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations; and

(ix) a statement signed an individual authorized to bind the project applicant, acknowledging that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of agency or authority involvement in the project as well as may lead to other possible enforcement actions.

(b) Each agency or authority shall develop, and adopt by resolution, which shall be made publicly available and accessible and posted on its website, the uniform criteria for the evaluation and selection for each category of projects for which financial assistance will be provided. The criteria shall include but not be limited to require that, for each project, the following must occur prior to the approval of the provision of financial assistance:

(i) an assessment by the agency or authority of all material information included in connection with the application for financial assistance, as necessary to afford a reasonable basis for the decision by the agency or authority to provide financial assistance for the project;

(ii) a written cost-benefit analysis by the agency or authority that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that may occur as a result of the project;

(iii) a statement by an individual authorized to bind the project applicant, as of the date of the completed and submitted application, is in substantial compliance with all the requirements of Chapter 563 of the Laws of 2015 and subdivision one of section eight hundred sixty-two of the general municipal law; and

(iv) if the project involves the removal or abandonment of a facility or plant within the state, notification by the agency or authority to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

(c) Each agency or authority shall conspicuously post on their website the completed, developed uniform authority project agreement and all attachments, appendixes and any other relevant records that sets forth terms and conditions under which financial assistance shall be provided, including but not limited to the completed project application form submitted by the project applicant for consideration. The posted uniform agency or authority project agreement and its accompanying records shall be used by the authority and no financial assistance shall be provided in the absence of the execution of such an agreement. Upon approval of a project by the board of directors, the agency or authority shall conspicuously post the completed project application and the completed comprehensive uniform authority project agreement with all its attachments on its website. The uniform agency or authority project agreement shall, at a minimum:

(i) describe the project and the financial assistance, including the amount and type, to be provided, and the authority purpose to be achieved;

(ii) require each project owner, occupant or operator receiving financial benefits to provide annually a certified statement and supporting documentation: (i) enumerating the full time equivalent jobs retained and the full time equivalent jobs created as a result of the financial assistance, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location, and (ii) indicating that the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created, and an explanation for why it is not still accurate

(iii) indicate the dates when payments in lieu of taxes are to be made and provide an estimate of the amounts for each affected tax jurisdiction of any payments in lieu of taxes that are included as part of the transaction, or formula or formulas by which those amounts may be calculated.

In lieu of providing such information, a copy of an executed payment in lieu of tax agreement that contains the same information may be attached to the uniform authority project agreement;

(iv) provide for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments, in accordance with policies developed by the agency or authority pursuant to general municipal law section eight hundred seventy-four;

(v) provide for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, which shall be redistributed to the appropriate affected tax jurisdiction, as provided for in policies developed by the agency or authority pursuant to general municipal law section eight hundred seventy-four, unless agreed to otherwise in writing by any local taxing jurisdiction or jurisdictions; and

(vi) provide that the owner, occupant or operator receiving financial assistance shall certify, under penalty of perjury, that it is in substantial compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulations.

(d) Each agency or authority shall establish and make conspicuously available on its website the developed policies for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments under circumstances as specified in the policy, which may include but shall not be limited to events of material violation of the terms and conditions of a project agreement made pursuant to section eight hundred seventy-four of the general municipal law;

(e) Each agency or authority shall make conspicuously available on its website the developed policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions or payments in lieu of taxes, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

(f) Each agency or authority shall at least once annually make publicly available on its website the assessments of the progress of each project for which bonds or notes remain outstanding or straight-lease transactions have not terminated, or which continue to receive financial assistance or are otherwise active, toward achieving the investment, job retention or creation, or other objectives of the project indicated in the project application. Such assessments shall be provided to board members and shall be made available to the public on the authority website.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 250.1(a)(vii), (viii), (ix) and (b)(iii).

Text of rule and any required statements and analyses may be obtained from: Jeffrey H. Pearlman, Director, State of New York Authorities Budget Office, State of New York Authorities Budget Office PO Box 2076, Albany, NY 12220-0076, (518) 474-1932, email: Jeff.Pearlman@abo.ny.gov

Revised Job Impact Statement

A Job Impact Statement (JIS) is not required because the proposed rule has no impact on jobs or employment opportunities because the proposed rule is only adding a requirement of posting to the website that IDA's are already required, by statute, to have. It is evident from the subject matter of the rule that it is only possible to have no impact on jobs and employment opportunities, so no summary of information and methodology is attached.

The proposed regulations would require IDAs to post, on their already statutorily required websites, several of the requirements set forth by Chapter 563, including but not limited to, posting a blank standard application form and instructions in a readable fashion for the public to review; posting all approved standard application forms, including all attachments and appendices; posting the approved IDA resolution, which sets forth the uniform criteria for the evaluation and selection for each category of projects for which financial assistance will be provided; posting all uniform agency or authority project agreements setting forth terms and conditions under which financial assistance shall be provided; posting all general or project specific policies for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments under circumstances as specified in the policy, which may include but shall not be limited to events of material violation of the terms and conditions of a project agreement; posting all policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements.

Due to the nature of the regulation there are no additional members required to be on the workforce.

Assessment of Public Comment

Introduction

By the authority vested by Public Authorities Law Sections 2(2), 6(e), 6(h); Chapter 766 of 2005; Chapter 506 of 2009; General Municipal Law, section 875(7), regulations were proposed by the Authorities Budget Office (ABO) to increase the accountability and improve the efficiency and transparency of the operations of industrial development agencies and authorities (IDAs). The proposed regulations were filed with the Department of State, and upon publication in the State Register, public comments on the proposed regulations were accepted for 60 days -- from August 22, 2018 until the close of business on October 21, 2018. The proposed regulations require posting on each IDA website the both blank and approved standard application forms for requests for financial assistance, uniform criteria for the evaluation and selection for each category of projects for which financial assistance is provided, and each uniform project agreement approved by the board.

Public Hearing

On September 4, 2018 at 1:30 pm in Concourse Hearing Room 125, Empire State Plaza, a public hearing was held. Written and oral testimony was received.

Comments and Testimony Received with Responses

Attendees of the public hearing were Melissa Bennett from Barclay Damon, Alex Camarda from Reinvent Albany, Marc Cesta from UA Local 7 Plumbers & Steamfitters, Ryan Silva from the NYS Economic Development Council, David Friedfel from Citizens Budget Commission of NY, James Vielkind from Politico, Rachel Silberstein from Times Union, and Michael Logan from Hodgson Russ. Besides the testimony received at the hearing, additional submitted comments were timely received by Senator Omara and Assemblyman Palmesano, Richard C. Herrick, Caraccioli & Associates PLLC on behalf of the County of Oswego Industrial Development Agency, the New York State Building and Construction Trades Council, and the New York City District Council of Carpenters and Joiners of America.¹

This Assessment of Public Comments responds to all substantive comments received during the public comment period. Comments were compiled, reviewed, and categorized based on their content. The ABO categorized the comments into two topics:

1. Comments raising concerns with proposed reporting requirements;
2. Comments in support of the proposed reporting requirements.

Pursuant to the State Administrative Procedure Act (SAPA) § 202(1), a Notice of Proposed Rulemaking (Notice) regarding IDA web posting information was published in the State Register on August 22, 2018 [Proposed Regulation ID No. ABO-34-18-00005-P]. Pursuant to the Notice, the time for the submission of comments expired on October 21, 2018. All comments filed and received between August 22nd and October 21, 2018 were accepted and are addressed herein. The comments filed after the deadline are untimely and are not considered herein.

1.1 Concerns Raised

1.1.1 The issue of concern is your call for an agency to post all completed applications online. No other economic development agency in New York State is required to do so.

1.1.2 The proposed ABO rule change will add an unnecessary, costly and time-consuming administrative burden to IDAs, which will have to carefully examine and prepare completed applications in order to ensure that any public posting does not inappropriately contain private company information.

1.1.3 It is also troubling that your new rule requiring a public posting of what can sometimes be competitive, sensitive information detailing private planning, in the absence of a formal agency request, could prevent applicants from moving forward on projects that could be vital to our local economies.

1.1.4 The current law as written requires any agreement by a company with the IDA to be signed by an officer of the board or authorized executive of the company. The new proposed regulation requires the chairman of the board or chief executive of a company to sign off on any agreement. This contradiction could lead to an OSC audit stating an IDA is being compliant while an ABO review states they are not. Additionally, it is quite unrealistic to get a CEO or board chairman to sign off on everything a company does, particularly in NY where we have Fortune 500 companies with a global presence and offices across the world. These entities have signees on behalf of the company. We would respectfully request that any regulation follow the standard written into law that requires the signature by an authorized officer of the board or executive of the company.

1.1.5 However, in the proposed regulations, it does not mention completed applications. It goes from talking about applications to referencing a "uniform authority project agreement and all attachments". This is separate and distinct from a complete application. In many cases this document can be hundreds of pages long and creates a variety of chal-

lenges for IDAs to publish and post on a website, including redaction of sensitive financial records, anything considered trade secrets, and other confidential information about an applicant that could hinder a private company from doing business successfully in NYS.

1.1.6 Additionally, the next section of the proposed regulation goes on to state that an applicant needs to submit an annual certified statement which would need to be separate from and in addition to a project agreement. I could see several circumstances where this would create an administrative challenge for an organization and again lead to a situation where IDAs are OSC compliant but are not considered compliant by the ABO.

Responses to Concerns Raised

Response to 1.1.1

The online posting is set up in a manner generally consistent with the current intent of § 875(7) of the General Municipal Law, which provides in part that:

“In addition to any other reporting or filing requirements an IDA has under this article or other law, an IDA shall also report and make available on the internet, without charge, copies of its resolutions and agreements appointing an agent or project operator or otherwise related to any project it establishes. (emphasis added). It shall also provide, without charge, copies of all such reports and information to a person who asks for it in writing or in person.”

Section 859-a(4) of General Municipal Law requires each IDA to establish a standard application form which is to be used by the IDA to accept requests for financial assistance, and requires that certain specific information be included in the application. Further, Section 859-a(5) requires IDAs to develop uniform criteria for evaluating and selecting projects for financial assistance and requires the IDA to assess the information included in the application to form a reasonable basis for its decision to provide financial assistance. As such, the completed application is a critical document related to any project established by the IDA and subject to the requirement to post such documents on the internet as called for in Section 875(7).

Among the reporting requirements is the obligation to post on an IDA website detailed information regarding any project that has been approved. General Municipal Law subdivision (6) of § 859-a requires each IDA to “develop a uniform agency project agreement that sets forth the terms and conditions under which financial assistance shall be provided.” Paragraphs (a) through (g) of that provision are essentially duplicated in Part 250.1(c) of the proposed regulations, which deals with “the completed, developed uniform authority project agreement...that sets forth terms and conditions under which financial assistance shall be provided.” Therefore § 859-a(6) coupled with 875(7) of the General Municipal Law would require a final agreement be posted on the IDA’s website.

The only instance in which the records relating to the process of reviewing and eventually approving requests for financial assistance by the IDA might be withheld is found in the last sentence of subdivision (7) of § 875. That provision states, “The IDA may, at the request of its agent or project operator delete from any such copies posted on the internet or provided to a person described in the prior sentence portions of its records that are specifically exempted from disclosure under article six of the public officers law”, which is the Freedom of Information Law (FOIL).

Response to 1.1.2

This regulation should not add any unnecessary, costly and time-consuming administrative burdens to an IDA beyond the already required internet posting. The burden to redact sensitive information is not for the IDA to unilaterally decide. Rather, the redaction “burden” is on the project applicant who must inform the IDA, pursuant to Public Officers Law Article 6 (FOIL), of those portions of any record submitted, which are specifically exempt from disclosure. This is a common occurrence when sensitive information is provided to regulatory agencies. Moreover, it is expressed in General Municipal Law § 875(7), where the IDA may, at the request of its agent or project operator delete from any such copies posted on the internet or provided to a person pursuant to FOIL the portions of its records that are specifically exempted from disclosure under article six of the public officers law. Public Officers Law § 89(5) governs the process. See also, *Markowitz v Serio*, 11 NY3d 43 (2008) [a “speculative conclusion that disclosure might potentially cause harm” is insufficient to meet the burden of proof and justifying secrecy].

Response to 1.1.3

When an IDA applicant receives a public benefit -- not having to pay the full taxable value of assessed real property or is provided sales tax exemptions to help fulfill its commercial obligations, the public has the right to know where such taxes are forgiven. The ABO’s mission is to help IDAs remain accountable and transparent, which is intended to keep the general public informed of their activities. Pursuant to Public Authorities Law Section 6(h), the ABO has the authority to promulgate “regulations to effectuate the purpose of the office.” When business applicant receives the assistance of an IDA there is an understanding that the public ought to

know where their taxes are being spent as well as being forgiven. Requiring IDAs to post on their website those deals which grant public benefits to businesses is authorized as it allows the ABO to assist with management practices and procedures relating to “activities and financial practices [that]... are disclosed to the public,” as authorized and established in Public Authorities Law Section 6(e). Therefore, the cost of receiving a public benefit eliminates the ability to be kept confidential. There is no evidence presented that would indicate such transparency prevents applicants from moving forward on public projects.

Response to 1.1.4

Should an application for tax exemption or other public benefits be provided, it is important for the public to know and understand exactly who has considered this application and its approval. The statute does not specify who should sign the record, leaving open who is truly authorized to sign off on a project. By requiring at a minimum someone authorized by a company to sign off on any project agreement, this regulation is clarifying any ambiguity and is making certain that the fiduciaries at the highest level are certifying compliance.

Response to 1.1.5

Considering the sensitive nature of the record and relying on the veracity of those who testified and presented comments during this period, we consulted with the NYS Committee on Open Government to receive their analysis of the purported transparency challenges. The comments address the concerns and conclude that “the regulations are consistent with the law and require posting of records and information that would be accessible to the public pursuant to FOIL and other statutory requirements dealing with records involving the functions of IDA’s.” See attached letter to be included in the assessment of public comment in the Appendix of this issue, dated 9/25/2018 from Committee on Open Government Executive Director Robert J. Freeman.

Response to 1.1.6

The requirement to make public a certified statement from whomever is receiving a public benefit is consistent with subdivision b of paragraph 6 of Section 859-a of the general municipal law, which was established in Chapter 563 of the Laws of 2015.

2.1 Comments in Support

2.1.1. This proposed regulation would enhance transparency of IDAs to the public by making important details about the selection process, benefits, and results of IDA projects available online.

2.1.2. The proposed regulation would make the IDA’s decision making process behind the more than \$750 million in benefits since 2015, a vast majority of which were through tax reductions, more transparent, and would allow for additional reporting and evaluation of these entities, as well as allow taxpayers to hold IDAs accountable.

2.1.3. Localities spend over \$4 billion annually on business subsidies, and taxpayers deserve to know exactly what their money is being spent on, and whether their investment is yielding returns in jobs produced and retained.

2.1.4. This rule is a small yet meaningful measure that IDAs should have already been doing without being required to do so without the ABO, as state economic development programs have been plagued by corruption, and now more than ever is greater scrutiny of their projects needed.

2.1.5. Government agencies across the country are proactively making data and information available through Open Data and Open Records Platforms, rather than waiting reactively to release information in response to Freedom of Information Law (FOIL) requests, and IDAs should be using their websites to make detailed project information known to the public and demonstrate that they are effective stewards of the public’s money.

2.1.6 The regulation proposed by the ABO is promulgated pursuant to Chapter 563 of the Laws of 2015, which was sponsored by Senator Marchione and Assembly member Magnarelli, with the intention of making IDAs more accountable and efficient.

2.1.7 This law has many significant and meaningful requirements including, that companies seeking public subsidies provide information on the number and types of jobs they will create and deadlines for doing so; that company executives complete a sworn application acknowledging that knowingly providing false or misleading information will result in benefits being terminated; that IDAs must establish standardized criteria for evaluating projects and include a cost-benefit analysis of the cost to taxpayers versus the jobs created and economic activity; and that IDA’s create project agreements with subsidy recipients, specifying annual certification and documentation of jobs produced, the dates for their creation, the formula for payments in lieu of taxes (PILOTs), and the termination, reduction, or claw back of benefits promised if job numbers are not met.

2.1.8 The proposed ABO rule would additionally require disclosure of 1) financial assistance application forms; 2) criteria for evaluating projects; 3) project agreements between IDAs and companies; 4) annual assessments by IDAs of approved projects’ progress; or 5) policies for rescission benefits; on IDA websites, none of which are certain policies or information explicitly required by the existing Chapter 563 law.

2.1.9 Requiring this information to be posted on IDA websites will make it easier for the ABO to ensure compliance and would compel IDAs to follow existing requirements of Chapter 563.

2.2.0 The public deserves to know how their tax dollars are being spent by the IDAs, that need to show how proposed projects are evaluated; the terms on which companies receive public subsidies; whether companies are hitting job targets; and under what circumstances the IDAs will terminate or claw back benefits if goals are not met.

2.2.1 Hard-working men and women of the New York State Building & Construction Trades Council and the New York City District Council of Carpenters and Joiners of America applaud the regulation put forth by the ABO to bring about more transparency and accountability to projects undertaken by the IDAs.

2.2.2 As IDAs and other authorities control millions of dollars in economic development, transparency is an essential part of the process of understanding how these dollars are allocated and is critical to ensuring that these funds truly benefit New York workers.

2.2.3 In addition to the proposed regulation, additional requirements could be made to underscore the ABO's goals, including requiring entities to give detailed information about the type and amount of financial assistance they receive, clearly explaining the type of financing received, and how the financing is to be calculated and utilized. For example, with respect to PILOT payments that take place over the term of a lease, it should be clearly explained how the amount of financial assistance is calculated.

2.2.4 A recent example of this lack of transparency can be seen in a September 7th article in the Troy Record, in which no information was given about PILOTs to be negotiated and offered by the Troy IDA, despite the fact that the Troy IDA has a set PILOT formula in place. The proposed regulation would provide taxpayers with the transparency that they are entitled to when looking at how tax dollars are spent in their community.

2.2.4. It would also be beneficial if information relating to the construction jobs created as a result of the project was given, expressly detailing the number of construction jobs created, along with the duration of such jobs, and the wages and benefits of those jobs. It should also be specified if the local workforce will be utilized during the construction phase of the project.

2.2.5 IDAs and authorities should also be subjected to standardized forms, and not be able to create forms on their own. Uniform documents would make it easier for individuals, community groups, and other stakeholders to compare projects and analyze benefits across jurisdictions.

See Appendix in the back of this issue.

¹ Pursuant to the State Administrative Procedure Act (SAPA) § 202(1), a Notice of Proposed Rulemaking (Notice) regarding the IDA web posting information was published in the State Register on August 22, 2018 [Proposed Regulation ID No. ABO-34-18-00005-P]. Pursuant to the Notice, the time for the submission of comments expired on October 21, 2018. All comments filed and received between August 22nd and October 21, 2018 were accepted and are addressed herein. The comments filed after the deadline are untimely and are not considered herein.

Department of Environmental Conservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Northern Catskill Riparian Areas

I.D. No. ENV-49-18-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 190.36 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(1)(d), (3)(b), 3-0301(1)(b), (2)(m), 9-0105(1) and (3)

Subject: Northern Catskill Riparian Areas.

Purpose: To correct a mistake in the description of the Kaaterskill Falls Riparian Area.

Text of proposed rule: Existing section 190.36 will be renumbered 190.38 and a new section 190.36 will be added to read:

In addition to other applicable provisions of this Part, the following

requirements apply to the Northern Catskill Riparian Areas. In the event of a conflict between this section and another section of this Part, the more restrictive provision will control.

(a) *Description. For the purposes of this section, Northern Catskill Riparian Areas means the following state forest preserve lands:*

(1) *The Kaaterskill Clove Riparian Corridor located in the towns of Hunter and Catskill in Greene County, along State Route 23A, beginning at the intersection of Spruce Creek and Kaaterskill Creek and extending downstream on Kaaterskill Creek approximately 2 miles to the state land boundary line. The regulated corridor includes the creek bed, the riparian area on the side of the creek in which State Route 23A is located, extending from the edge of the creek bed to State Route 23A or 300 feet, whichever is greater, and the riparian area on the other side of the creek extending 300 feet from the edge of the creek bed.*

(2) *The Kaaterskill Falls Riparian Area located in the town of Hunter in Greene County, beginning at a point 150 feet upstream of the Kaaterskill waterfall on Spruce Creek, and extending downstream to the base of the waterfall at the start of the man-made stone staircase. The regulated area includes the Spruce Creek bed, an area on the side of the creek which includes the stone staircase extending 300 feet from the edge of the stream bed or the staircase and the connector trail leading to the Escarpment Trail, whichever is greater, and on the other side of the creek extending 300 feet from the edge of the stream bed.*

(3) *The Platte Clove Riparian Corridor, located in the town of Hunter in Greene County, and the town of Saugerties in Ulster County, beginning at the state land boundary near the intersection of Platte Clove Road and Steenburg Road and extending downstream to the southeast along Platte Clove Road and the Plattekill creek to the boundary of state land, approximately 1.6 miles. The regulated corridor includes the Plattekill creek bed, an area on the side of the creek which includes Platte Clove Road extending 300 feet from the edge of the creek bed to Platte Clove Road or 300 feet, whichever is greater, and an area on the other side of the creek extending 300 feet from the edge of the creek bed.*

(4) *The Colgate Lake Wild Forest Area located in the town of Jewett in Greene County, including 1,375 acres at the eastern end of County Route 78 (Colgate Lake Road), bordered by the Windham-Blackhead Range Wilderness to the north, south, and east. The unit boundary as posted follows the 2,400' contour on the north and south.*

(b) *No person shall kindle, build, maintain or use a fire, including, but not limited to, charcoal fires, wood fires, gas grills, propane stoves, or other portable stoves, within the Northern Catskill Riparian Areas, except at designated campsites or where camped in compliance with subdivision 190.3(b) of this Part.*

(c) *No person shall possess a glass container within the Northern Catskill Riparian Areas, except when necessary for the storage of medicines.*

(d) *No person, within the Northern Catskill Riparian Areas, shall play an audio device, including, but not limited to, radios, tape players, compact disc or digital players, except at designated campsites, or where camped in compliance with subdivision 190.3(b) of this Part, unless the noise is rendered inaudible to the public by a noise-damping device, such as headphones or earbuds. At designated campsites or where camped in compliance with subdivision 190.3(b) of this Part, no person shall use any audio device which is audible outside the immediate area of the campsite.*

(e) *No person shall possess or consume beverages containing alcohol, including, but not limited to beer, wine, and liquor within the Northern Catskill Riparian Areas, except when transporting to, or at, designated camping sites, or where camped in compliance with subdivision 190.3(b) of this Part.*

(f) *No person shall enter restricted areas, as designated by signs in the Northern Catskill Riparian Areas.*

(g) *No person shall possess a portable generator within the Kaaterskill Clove Riparian Corridor, the Kaaterskill Falls Riparian Area, or the Colgate Lake Wild Forest Area, except at designated campsites or where camped in compliance with subdivision 190.3(b) of this Part. Possession of portable generators is prohibited within the Northern Catskill Riparian Corridor in the Indian Head Wilderness Area, located in the Town of Hunter, Greene County and the towns of Saugerties and Woodstock, Ulster County, lying generally west of the east boundary of the Catskill Park, south of Platte Clove, east of Devil's Tombstone Campground and north of the hamlets of Lake Hill and Shady.*

(h) *No person shall enter into, or remain in, the Kaaterskill Clove or Platte Clove Riparian Corridors between one-half hour after sunset and one-half hour before sunrise except for:*

(1) *persons camping at designated campsites, or where camped in compliance with subdivision 190.3(b) of this Part;*

(2) *licensed hunters, anglers, and trappers for the purpose of hunting, fishing, or trapping;*

(3) *pedestrians using marked hiking trails to cross the areas; or*

(4) *persons otherwise authorized by permit issued by the department.*

(i) In the Kaaterskill Falls Riparian Area, no person shall enter the area located within six (6) feet of cliff edges, except: on marked trails, including the man-made stone staircase and the trail leading to the first water plunge pool, commonly referred to as the mid-pool; when engaged in ice climbing or rappelling by rope; or by authorized permit issued by the department.

(j) In the Kaaterskill Falls Riparian Area, no person shall enter the water, wade, or swim within 150 feet upstream of Kaaterskill Falls.

Text of proposed rule and any required statements and analyses may be obtained from: Peter Innes, Assistant Director Lands and Forests, NYS DEC, 625 Broadway, Albany, New York 12233, (518) 402-9405, email: peter.innes@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Additional matter required by statute: A Short EAF was completed in compliance with the State Environmental Quality Review Act.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

No person is likely to object to this rulemaking since it will correct an error in the express terms. Not correcting this error can cause enforcement problems. No comments were received during the public comment period when this regulation was initially proposed.

Job Impact Statement

Existing section 190.36 of 6 NYCRR will be amended to correct a mistake in the description of the Kaaterskill Falls Riparian Area which lists Kaaterskill Creek bed instead of Spruce Creek bed, the correct location identifier. A Job Impact Statement is not submitted with this proposal because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulation will correct a mistake in the description, which if left uncorrected can affect enforcement of this regulation.

Department of Health

NOTICE OF ADOPTION

Early Intervention Program

I.D. No. HLT-28-17-00009-A

Filing No. 1078

Filing Date: 2018-11-14

Effective Date: 2018-12-05

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Subpart 69-4 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2559-b

Subject: Early Intervention Program.

Purpose: To conform existing program regulations to Federal regulations and State statute.

Substance of final rule: This notice of proposed rulemaking amends 10 NYCRR Subpart 69-4, which governs the Early Intervention Program (EIP), to: conform to federal regulations issued by the U.S. Department of Education (34 CFR Parts 300 and 303) and recent amendments to Title II-A of Article 25 of the Public Health Law (PHL). The proposed amendments also streamline conflict of interest provisions on evaluation and service coordinator providers, clarify qualifications of service coordination providers, and add licensed behavior analysts and certified behavior analyst assistants to the list of qualified personnel for the Early Intervention Program.

Section 69-4.1(a) is amended to revise the definition of "approval" to conform to statutory amendments. A new subdivision (b) is added to define "approved provider."

Subdivisions (n) and (p) of section 69-4.1 are relettered (o) and (q) respectively and are amended to conform to federal regulations. Specifically, the amendments distinguish between the evaluation and the initial evaluation to determine eligibility; and conform the definition of "family assessment."

Subdivision (ad) of section 69-4.1 is relettered (ae) and amended to clarify the definition of "multidisciplinary."

Paragraph (2) of the relettered (ak) of section 69-4.1 is amended to revise the definition of "individual provider" to conform to statutory amendments that authorized the Department to approve and enter into agreements with providers and that eliminated the requirement that municipalities contract with providers directly. A new paragraph (3) is added to define "payee provider" as an approved provider that shall directly bill third party and governmental payers for early intervention services in the first instance through the Department's fiscal agent.

Section 69-4.1(ak) is relettered subdivision (al) and paragraphs (4) and (5) are added to include licensed behavior analysts and certified behavior analyst assistants to the list of qualified personnel for the EIP.

Subparagraph (ii) of section 69-4.3(a)(1) is amended to reflect that a screening may be provided or that medical records may be reviewed for a child referred to the Early Intervention Program.

Subparagraph (ii) of section 69-4.3(a)(3) is amended to remove a reference to a program that no longer exists and to change the requirement of providing a telephone number to providing "contact information."

Subdivision (e) is added to section 69-4.3 to require primary referral sources to complete and transmit a referral form and, with parental consent, to transmit information sufficient to document the primary referral source's concern or basis for suspecting the child has a disability.

Subparagraph (v) is added to section 69-4.4(a)(1) to add licensure, certification, or registration in certain professions as acceptable minimum qualifications for service coordinators.

Section 69-4.4(b)(1) is amended to conform to statutory changes, which require that all providers be approved by the Department.

Section 69-4.5(a)(1) is amended to clarify that payee providers of EIP services must enroll in and, as applicable, be recertified by the Medicaid program and must notify the Department of such recertification on request.

Section 69-4.5(a)(4)(iii), related to a Medicaid provider agreement and the reassignment of Medicaid benefits, is repealed.

Section 69-4.5(a)(6), which prohibits an individual provider from being approved as both an evaluator and a service coordinator, is repealed.

Section 69-4.5(c) is repealed and a new subdivision (c) is added to require providers to notify the Department upon certain changes to ownership or status of the provider agency and to clarify that the Department will determine on receipt of such notice whether re-approval of the agency is required.

Subparagraphs (i)-(ix) of section 69-4.5(e)(1) are being revised to make technical amendments and to conform to statutory amendments that provide the Department with the authority to enter into agreements with providers and eliminate the requirement that municipalities are to contract with providers directly; clarify members of the individualized family service plan (IFSP) team; to streamline conflict of interest provisions relating to marketing; and to clarify that health insurance subject to New York State Insurance Law may be billed.

Paragraphs (2) and (3) of section 69-4.5(e) have been revised to make technical amendments. Paragraph (2) of this section has also been amended to add referral sources to the list of people who may not receive an incentive from a provider or agency.

Subdivision (f) of section 69-4.5 is amended, opening paragraph of subdivision (h) is amended, and subdivisions (h)(1) and (h)(2) are repealed, to conform to statutory amendments that provide the Department with the authority to enter into agreements with providers and eliminated the requirement that municipalities contract with providers directly.

Section 69-4.5(i) is repealed to conform to statutory amendments that eliminated the State Education Department's (SED) responsibility to approve providers to participate in the EIP.

Section 69-4.6(d) is amended and paragraphs (1), (2), and (3) are added to conform to statutory amendments related to procedures for obtaining children's third party coverage information and written referrals to establish medical necessity.

Section 69-4.7(g)(3) is amended to conform to statutory amendments that require providers to directly bill third party and governmental payers for early intervention services and specifies that unregulated insurers will not be billed for early intervention services.

Subdivision (m) is added to section 69-4.7 to conform to statutory amendments that require notification, with parent consent, to the Office of People with Developmental Disabilities (OPWDD) developmental disabilities regional office of a child's potential eligibility for OPWDD services.

Section 69-4.8 is repealed and replaced with new section 69-4.8, titled "Evaluation and Screening of the Child and Assessment of the Child and Family," to conform to revisions to federal regulations. The proposed new section includes: procedures that apply when a qualified evaluator administers a screening or conducts a multidisciplinary evaluation; the parent's right to request a multidisciplinary evaluation at any time; the use of medical and other records to establish a child's eligibility for the EIP without conducting an evaluation; when a multidisciplinary assessment is appropriate; the use of informed clinical opinion as one factor to establish

a child's eligibility for the EIP; and the voluntary family-directed assessment.

Section 69-4.9(c) is amended to conform to statutory amendments that provide the Department authority to enter into agreements with providers.

Section 69-4.9(g)(6) is amended to conform to statutory amendments that require providers to directly bill third party payers prior to billing governmental payers for EIP services rendered; to clarify documentation required of providers to support claims submitted; and to make technical amendments.

Subdivisions (a)(2) and (a)(3) of section 69-4.11 are repealed and replaced with new subdivisions (a)(2) and (a)(3) to conform the requirements for IFSP meeting participants to federal regulations.

Section 69-4.11(a)(7)(ii)(a) is amended and subdivisions (a)(7)(ii)(b) through (d) and (b)(3) are repealed to streamline conflict of interest procedures related to EIP providers conducting evaluations and delivering services. The proposed regulation clarifies that an evaluator who conducts an evaluation of a child, or the approved agency which employs or contracts with the evaluator, may deliver EIP services to the child unless the Early Intervention Official provides documentation justifying why this would not be in the best interest of the child and family.

Section 69-4.11(b)(3) is repealed and paragraphs (4) and (5) of section 69-4.11(b) are renumbered (3) and (4).

Subdivisions (a) and (b) of section 69-4.12 are repealed, subdivision (c) is relettered subdivision (e) and new subdivisions (a), (b), (c), and (d) are added. These proposed amendments make technical amendments and conform to statutory amendments that assign new responsibilities to municipalities for monitoring of providers and procedures for monitoring of providers.

Rellettered subdivision (e) of section 69-4.12 is amended to provide that municipalities continue to have the authority to audit providers that conduct evaluations and provide early intervention services.

Paragraph (1) of section 69-4.14(a) has been repealed.

Section 69-4.16(d) is amended to conform to federal regulations that require the appointment of a surrogate parent within 30 days after the EIO makes a determination of the child's need for a surrogate parent.

Paragraphs (4) and (5) of subdivision (f) of section 69-4.16 are amended and a new paragraph (6) is added to conform to federal regulations pertaining to the appointment of a surrogate parent.

Section 69-4.17(b)(1)(i)(c) is amended to include examples of procedural safeguards available under the EIP in reference to a written notice to parents by the EIO.

Section 69-4.17(b)(2)(ii) is amended to include a reference to the IFSP team members in relation to disagreements on an IFSP.

Paragraphs (1) and (2) are added to section 69-4.17(c) to conform to federal regulations on content of notice to parents regarding personally identifiable information. Additional amendments to section 69-4.17(c) include technical changes. Current paragraphs (1) through (6) are renumbered (3) through (8).

Subdivisions (d)(1), (d)(3) and (e) of section 69-4.17 are amended to conform to federal regulations concerning access and amendments to records. These amendments clarify when providers may assume the parent has authority to inspect and review records pertaining to his or her child. The amendment also clarifies the right to request amendments apply to information pertaining to the parent, as well as the child. Additionally, section 69-4.17(e)(3)(ii) is amended to clarify that a parent has a right to an administrative hearing when the parent disagrees with a declination to amend a record.

Subparagraphs (vii) and (ix) of section 69-4.17(e)(4) are amended to conform to federal regulations on minimum requirements for administrative hearings to amend the child's record.

Section 69-4.17(g)(3), on requirements for mediation procedures, is amended to conform to federal regulations, which clarify that the mediation process cannot be used to deny or delay a parent's right to an impartial hearing, or deny any other due process rights afforded to the parent; and that a written, signed mediation agreement resulting from a successful full or partial resolution is a legally binding document enforceable in any State court of competent jurisdiction or in a district court of the United States.

Section 69-4.17(g)(13)(i)(a) is amended to further clarify that the written agreement must state that all discussions that occurred during the mediation process will remain confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

Section 69-4.17(h)(7) is amended to conform to federal regulations that allow the hearing officer assigned to an impartial hearing to grant specific extensions of time beyond the federally-required timeframe of 30 days at the request of either party.

Section 69-4.22(a) is amended, new paragraphs (1) to (4) are added to subdivision (a), subdivisions (b) and (c) are repealed, and subdivision (d) is relettered to subdivision (b), to conform to statutory amendments that require EIP providers to bill third party payers in the first instance, using the Department's fiscal agent. The proposed provisions include subroga-

tion of a provider to a child's and family's third party reimbursement, including notice to the insurer by the provider; provider use of the Department's fiscal agent for claiming payment for evaluations and services rendered under the EIP; provider enrollment in one or more health care clearinghouses at the request of the Department or the Department's fiscal agent; and timely submission of claims for payment by providers.

Subdivision (a) of subpart 69-4.23 has been amended to conform to federal requirements allowing the use of medical and other records to establish a child's eligibility for the Early Intervention Program.

Paragraphs (5), (9), and (14) of section 69-4.24(a) are amended to conform to statutory amendments that: eliminated SED's responsibility to approve EIP providers; eliminated the requirement that municipalities contract with providers directly; and required providers to bill third party payors.

Section 69-4.24(c) is amended to clarify the residency requirement of the child and to conform to statutory amendments that eliminated the requirement that municipalities contract with providers directly.

Section 69-4.25 is repealed.

Section 69-4.26(a) is amended to update the new reference regarding maintaining early intervention records.

Paragraph 15 of section 69-4.26(a), on municipal claims to third party payors, is repealed.

Subdivision (b)(12), subdivision (c) of section 69-4.26 are amended to conform to statutory amendments that: require providers to bill third party payers in the first instance; provide the Department with the authority to enter into agreements with providers; and eliminate the requirement that municipalities contract with providers directly.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 69-4.3, 69-4.4, 69-4.5, 69-4.6, 69-4.8, 69-4.26 and 69-4.30.

Revised rule making(s) were previously published in the State Register on August 1, 2018.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department of Health ("Department") received comments from various stakeholders including but not limited to Early Intervention (EI) provider agencies, EI associations, professional associations, and members of the New York State Assembly. The most common comments related to the appointment of surrogates, service authorization, screenings, assessments, written referrals, and the verification of insurance information on a quarterly basis. Based on the comments received, the Department has made minor technical revisions to the proposed rulemaking that were not substantive.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Achievement and Investment in Merit Scholarship (NY-AIMS)

I.D. No. ESC-49-18-00003-E

Filing No. 1079

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 2201.16 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 669-g

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2015 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides New York high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in New York State. Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately so that students can make informed choices and in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Purpose: To implement The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Text of emergency rule: New section 2201.16 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.16 The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

(a) *Definitions. As used in section 669-g of the Education Law and this section, the following terms shall have the following meanings:*

(1) *"Good academic standing" shall have the same meaning as set forth in section 665(6) of the education law.*

(2) *"Grade point average" shall mean the student's numeric grade calculated on the standard 4.0 scale.*

(3) *"Program" shall mean The New York State Achievement and Investment in Merit Scholarship codified in section 669-g of the education law.*

(4) *"Unmet need" for the purpose of determining priority shall mean the cost of attendance, as determined for federal Title IV student financial aid purposes, less all federal, State, and institutional higher education aid and the expected family contribution based on the federal formula.*

(b) *Eligibility. An applicant must:*

(1) *have graduated from a New York State high school in the 2014-15 academic year or thereafter; and*

(2) *enroll in an approved undergraduate program of study in a public or private not-for-profit degree granting post-secondary institution located in New York State beginning in the two thousand fifteen-sixteen academic year or thereafter; and*

(3) *have achieved at least two of the following during high school:*

(i) *Graduated with a grade point average of 3.3 or above;*

(ii) *Graduated with a "with honors" distinction on a New York State regents diploma or receive a score of 3 or higher on two or more advanced placement examinations; or*

(iii) *Graduated within the top fifteen percent of their high school class, provided that actual class rank may be taken into consideration; and*

(4) *satisfy all other requirements pursuant to section 669-g of the education law; and*

(5) *satisfy all general eligibility requirements provided in section 661 of the education law including, but not limited to, full-time attendance, good academic standing, residency and citizenship.*

(c) *Distribution and priorities. In each year, new awards made shall be proportionate to the total new applications received from eligible students enrolled in undergraduate study at public and private not-for-profit degree granting institutions. Distribution of awards shall be made in accordance with the provisions contained in section 669-g(3)(a) of the education law within each sector. In the event that there are more applicants who have the same priority than there are remaining scholarships or available funding, awards shall be made in descending order based on unmet need established at the time of application. In the event of a tie, distribution shall be made by means of a lottery or other form of random selection.*

(d) *Administration.*

(1) *Applicants for an award shall apply for program eligibility at*

such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) *Recipients of an award shall:*

(i) *request payment annually at such times, on forms and in a manner specified by the corporation;*

(ii) *receive such awards for not more than four academic years of undergraduate study, or five academic years if the program of study normally requires five years as defined by the commissioner pursuant to Article 13 of the education law; and*

(iii) *provide any information necessary for the corporation to determine compliance with the program's requirements.*

(e) *Awards.*

(1) *The amount of the award shall be determined in accordance with section 669-g of the education law.*

(2) *Disbursements shall be made annually to institutions on behalf of recipients.*

(3) *Awards may be used to offset the recipient's total cost of attendance determined for federal Title IV student financial aid purposes or may be used in addition to such cost of attendance.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire February 12, 2019.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer The New York State Achievement and Investment in Merit Scholarship (NY-AIMS), hereinafter referred to as "Program", is codified within Article 14 of the Education Law. In particular, Part Z of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-g to the Education Law. Subdivision 6 of section 669-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 669-g to create The New York State Achievement and Investment in Merit Scholarship (NY-AIMS). The objective of this Program is to grant merit-based scholarship awards to New York State high school graduates who achieve academic excellence.

Needs and benefits:

The cost to attain a postsecondary degree has increased significantly over the years; alongside this growth, the financing of that degree has become increasingly challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. All federal student financial aid and a majority of state student financial aid programs are conditioned on economic need. Despite stagnant growth in household incomes, there continues to be far fewer academically-based financial aid programs, which are awarded to students regardless of assets or income. This has resulted in more limited financial aid options for those who are ineligible for need-based aid. Concurrently, greater numbers of students

are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with student loan debt averaging \$29,400. Many of these students feel burdened by their college loan debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement.

This Program cushions the disparate growth in the cost of a postsecondary education by providing New York State high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in the State for up to four years of undergraduate study (or five years if enrolled in a five-year program). Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is \$2.5 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 669-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal definitions/methodology concerning unmet need, expected family contribution, and cost of attendance.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State and possibly seek employment opportunities in the State as well, which will benefit the State.

EMERGENCY RULE MAKING

New York State Get on Your Feet Loan Forgiveness Program

I.D. No. ESC-49-18-00004-E

Filing No. 1080

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 2201.15 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 679-g

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants. The statute provides for student loan relief to such college graduates who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or Income Based Repayment (IBR) program, which cap a federal student loan borrower's payments at 10 percent of discretionary income, and apply for this program within two years after graduating from college. Eligible applicants will have up to twenty-four payments made on their behalf towards their federal income-based repayment plan commitment. For those students who graduated in December 2014, their first student loan payment will become due upon the expiration of their grace period in June 2015. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that timely payments can be made on behalf of program recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Get on Your Feet Loan Forgiveness Program.

Purpose: To implement the New York State Get on Your Feet Loan Forgiveness Program.

Text of emergency rule: New section 2201.15 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.15 New York State Get on Your Feet Loan Forgiveness Program.

(a) *Definitions. As used in section 679-g of the education law and this section, the following terms shall have the following meanings:*

(1) *"Adjusted gross income" shall mean the income used by the U.S. Department of Education to qualify the applicant for the federal income-driven repayment plan.*

(2) *"Award" shall mean a New York State Get on Your Feet Loan Forgiveness Program award pursuant to section 679-g of the education law.*

(3) “Deferment” shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.

(4) “Delinquent” shall mean the failure to pay a required scheduled payment on a federal student loan within thirty days of such payment’s due date.

(5) “Forbearance” shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.

(6) “Income” shall mean the total adjusted gross income of the applicant and the applicant’s spouse, if applicable.

(7) “Program” shall mean the New York State Get on Your Feet Loan Forgiveness Program.

(8) “Undergraduate degree” shall mean an associate or baccalaureate degree.

(b) Eligibility. An applicant must satisfy the following requirements:

(1) have graduated from a high school located in the State or attended an approved State program for a State high school equivalency diploma and received such diploma. An applicant who received a high school diploma, or its equivalent, from another state is ineligible for a Program award;

(2) have graduated and obtained an undergraduate degree from a college or university located in the State in or after the two thousand fourteen-fifteen academic year;

(3) apply for this program within two years of obtaining such undergraduate degree;

(4) not have earned a degree higher than an undergraduate degree at the time of application;

(5) be a participant in a federal income-driven repayment plan whose payment amount is generally ten percent of discretionary income;

(6) have income of less than fifty thousand dollars;

(7) comply with subdivisions three and five of section 661 of the education law;

(8) work in the State, if employed. A member of the military who is on active duty and for whom New York is his or her legal state of residence shall be deemed to be employed in NYS;

(9) not be delinquent on a federal student loan or in default on a student loan made under any statutory New York State or federal education loan program or repayment of any New York State award; and

(10) be in compliance with the terms of any service condition imposed by a New York State award.

(c) Administration.

(1) An applicant for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) A recipient of an award shall:

(i) request payment at such times, on such forms and in a manner as prescribed by the corporation;

(ii) confirm he or she has adjusted gross income of less than fifty thousand dollars, is a resident of New York State, is working in New York State, if employed, and any other information necessary for the corporation to determine eligibility at such times prescribed by the corporation. Said submissions shall be on forms or in a manner prescribed by the corporation;

(iii) notify the corporation of any change in his or her eligibility status including, but not limited to, a change in address, employment, or income, and provide the corporation with current information;

(iv) not receive more than twenty four payments under this program; and

(v) provide any other information or documentation necessary for the corporation to determine compliance with the program’s requirements.

(d) Amounts and duration.

(1) The amount of the award shall be equal to one hundred percent of the recipient’s established monthly federal income-driven repayment plan payment whose payment amount is generally ten percent of discretionary income and whose payment is based on income rather than loan debt.

(2) In the event the established monthly federal income-driven repayment plan payment is zero or the applicant is otherwise not obligated to make a payment, the applicant shall not qualify for a Program award.

(3) Disbursements shall be made to the entity that collects payments on the federal student loan or loans on behalf of the recipient on a monthly basis.

(4) A maximum of twenty-four payments may be awarded, provided the recipient continues to satisfy the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(e) Disqualification. A recipient shall be disqualified from receiving further award payments under this program if he or she fails to satisfy any of the eligibility requirements, no longer qualifies for an award, or fails to respond to any request for information by the corporation.

(f) Renewed eligibility. A recipient who has been disqualified pursuant to subdivision (e) may reapply for this program and receive an award if he or she satisfies all of the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(g) Repayment. A recipient who is not a resident of New York State at the time a payment is made under this program shall be required to repay such payment or payments to the corporation. In addition, at the corporation’s discretion, a recipient may be required to repay to the corporation any payment made under this program that, at the time payment was made, should have been disqualified pursuant to subdivision (e). If a recipient is required to repay any payment or payments to the corporation, the following provisions shall apply:

(1) Interest shall begin to accrue on the day such payment was made on behalf of the recipient. In the event the recipient notifies the corporation of a change in residence within 30 days of such change, interest shall begin to accrue on the day such recipient was no longer a New York State resident.

(2) The interest rate shall be fixed and equal to the rate established in section 18 of the New York State Finance Law.

(3) Repayment must be made within five years.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, waive or defer payment, extend the repayment period, or take such other appropriate action.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire February 12, 2019.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation’s (“HESC”) statutory authority to promulgate regulations and administer the New York State Get on Your Feet Loan Forgiveness Program (“Program”) is codified within Article 14 of the Education Law. In particular, Part C of Chapter 56 of the Laws of 2015 created the Program by adding a new section 679-g to the Education Law. Subdivision 4 of section 679-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State’s administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC’s Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC’s President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC’s President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC’s President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 679-g to create the “New York State Get on Your Feet Loan Forgiveness Program” (Program). The objective of this Program is to ease the burden of federal student loan debt for recent New York State college graduates.

Needs and benefits:

More than any other time in history, a college degree provides greater opportunities for graduates than is available to those without a postsecondary degree. However, financing that degree has also become more challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family’s income has increased only modestly. More students than ever are relying on loans to pay for college. Today, 71 percent of those earning a bachelor’s degree graduate with debt, which averages \$29,400. Many of these students feel burdened by debt, especially as they seek to start a family,

buy a home, launch a business, or save for retirement. To ensure that student debt is manageable, the federal government enacted income-driven repayment plans, such as the Pay as You Earn (PAYE) plan, which caps a federal student loan borrower's payments at 10 percent of income.

Although New York's public colleges and universities offer among the lowest tuition in the nation, currently the average New York student graduates from college with a four-year degree saddled with more than \$25,000 in student loans. Mounting student debt makes it difficult for recent graduates to deal with everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. To help mitigate the disparate growth in the cost of financing a postsecondary education, this Program offers financial aid relief to recent college graduates by providing up to twenty-four payments towards an eligible applicant's federal income-based student loan repayment plan commitment. Students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter, who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or applicable federal Income Based Repayment (IBR) program, and apply for this Program within two years after graduating from college are eligible for this Program.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is \$5.2 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to the U.S. Department of Education with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government. Since this Program is intended to supplement federal repayment programs, efforts were made to align the Program with the federal programs.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule

Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits the State as well.

EMERGENCY RULE MAKING

New York State Teacher Loan Forgiveness Program

I.D. No. ESC-49-18-00005-E

Filing No. 1081

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 2201.21 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 679-j

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for loan forgiveness awards to be made to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants. Eligible applicants will receive up to \$5,000 per year for up to four years in loan forgiveness payments. Since individuals must apply after the completion of the school year, which ends in June, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications and make payments timely. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Teacher Loan Forgiveness Program.

Purpose: To implement The New York State Teacher Loan Forgiveness Program.

Text of emergency rule: New section 2201.21 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.21 The New York State Teacher Loan Forgiveness Program.

(a) Definitions. For purposes of this section and Education Law, section 679-j, the following definitions shall apply:

(1) Award shall mean a New York State Teacher Loan Forgiveness Program award pursuant to section 679-j of the New York State Education Law.

(2) Corporation shall mean the New York State Higher Education Services Corporation.

(3) Department shall mean the New York State Education Department.

(4) Economically disadvantaged shall mean applicants whose household adjusted gross income is at or below 250 percent of the federal poverty level for the most recent calendar year available.

(5) Elementary and secondary school shall mean pre-kindergarten through grade 12 in a public or private school recognized by the board of regents of the university of the state of New York, including charter schools authorized pursuant to article 56 of the Education Law and programs provided by Boards of Cooperative Educational Services (BOCES) on behalf of such schools.

(6) Full time shall mean employment as a teacher in an elementary or secondary school in New York State for at least 10 continuous months, each school year, for a number of hours to be determined by either the school district, school board or school, the by-laws thereof, the labor contract between the teacher and employer, or if none of the above apply, the chief administrator of the school, except for an allowable interruption of full time employment.

(7) Interruption of full time employment shall mean an allowable temporary leave for a definitive length of time due to circumstances approved by the corporation, including, but not limited to, parental leave, medical leave, death of a family member, or military duty that exceeds forty-two calendar days, excluding legal holidays, regardless of whether such absence or leave is paid or unpaid.

(8) Household adjusted gross income shall mean the federal Adjusted Gross Income (AGI) for individuals or married couples filing jointly, or the aggregate AGI of married couples filing separately, reduced by a cost of living allowance, which shall be equal to the applicant's eligible New York State standard deductions plus their eligible New York State dependent exemptions for personal income tax purposes.

(9) Outstanding student loan debt shall mean the total cumulative student loan balance required to be paid by the applicant at the time of selection for an award under this program, including the outstanding principal and any accrued interest covering the cost of attendance to obtain an undergraduate or graduate degree from a college or university. Such outstanding student loan debt may be reduced as provided in subparagraph (iii) of paragraph (3) of subdivision (c) of this section.

(10) Program shall mean the New York State Teacher Loan Forgiveness Program.

(11) School year shall mean the period commencing on the first day of July in each year and ending on the 30th day of June next following.

(12) Teacher shall mean a New York State certified teacher providing instruction in an elementary or secondary school including enrichment and supplemental instruction that may be offered to a subset of students as well as support services such as counseling, speech and occupational therapy services.

(b) Eligibility. Applicants and recipients must:

(1) satisfy the requirements provided in section 679-j(2) of the Education Law. Recipients who continue to teach the same subject or in the same district, as the case may be, which qualified them for the award when they originally applied for this program remain eligible for subsequent award payments if the originally qualifying subject or district ceases to be designated as a subject shortage area or hard to staff district;

(2) be in a non-default status on a student loan made under any statutory New York State or federal education loan program or repayment of any award made pursuant to Article 14 of the Education Law; and

(3) be in compliance with the terms of any service condition imposed by an award made pursuant to article 14 of the Education Law.

(c) Administration.

(1) An applicant for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation on or before the date prescribed by the corporation; and

(ii) submit additional documentation evidencing eligibility, as requested by the corporation.

(2) A recipient of an award shall:

(i) confirm employment as a certified teacher each year on forms or in a manner prescribed by the corporation;

(ii) apply for payment annually on forms prescribed by the corporation; and

(iii) receive no more than five thousand dollars per year for not more than four years in duration, and not to exceed the total amount of such recipient's outstanding student loan debt as defined in paragraph (9) of subdivision (a) of this section.

(3) The outstanding student loan debt shall:

(i) include New York State student loans, federal government student loans, and private student loans for the purpose of financing undergraduate or graduate studies made by commercial entities subject to governmental examination.

(ii) exclude federal parent PLUS loans; loans cancelled under any

program; private loans given by family or personal acquaintances; student loan debt paid by credit card; loans paid in full, or in part, before, on, or after the first successful application for program eligibility under this program; loans for which documentation is not available; loans without a promissory note; or any other loan debt that cannot be verified by the corporation.

(iii) be reduced by any reductions to student loan debt that an applicant has received or shall receive including voluntary payments made which reduces the balance owed.

(d) Award selection. All awards are contingent upon annual appropriations. Awards shall be distributed in accordance with Education Law, section 679-j(4). In the event there is insufficient funding to make awards within any given priority, recipients shall be chosen by lottery. In the event that a lottery is necessary, economically disadvantaged applicants and recipients who taught in a subject shortage area or hard to staff district during the prior school year but are not currently teaching in either a subject shortage area or a hard to staff district, will be given third priority.

(e) Revocation. Upon prior notice to a recipient, an award may be revoked by the corporation if the corporation determines that the recipient has failed to comply with the requirements to maintain their award, as evidenced by:

(1) a failure to apply for payment or reimbursement;

(2) a failure to respond to requests to contact or communication with the corporation;

(3) a failure to respond to a request for information; or

(4) any other information known to the corporation reasonably evidencing an indication of failure to comply with program requirements by a program participant.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire February 12, 2019.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's (HESC) statutory authority to promulgate regulations and administer The New York State Teacher Loan Forgiveness Program (Program) is codified within Article 14 of the Education Law. Specifically, Part AA of Chapter 56 of the Laws of 2018 created the Program by adding a new section 679-j to the Education Law. Pursuant to subdivision 6 of section 679-j of the Education Law, HESC is required to promulgate rules and regulations for the administration of this Program.

Pursuant to Education Law § 652(2), HESC was established for improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs; the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of State student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

This Program was created to retain and/or increase the number elementary and secondary school teachers serving in New York State.

Needs and benefits:

Data from New York State United Teachers (NYSUT) suggests a teacher shortage is on the horizon for New York State, as well as nationally, due in part to many educators being on the verge of retirement (32 percent within the next 5 years) and a significant drop in recent years of students enrolling in teacher training programs (49 percent decrease since 2009). Further, approximately 10 percent of New York's teacher education graduates are leaving the state for employment elsewhere and 11 percent

of New York teachers leave their school or profession annually; this number increases for early career teachers and those working in high-poverty areas. Former State University of New York (SUNY) Chancellor, Nancy Zimpher, predicts New York will need more than 180,000 new teachers in the next decade and the U.S. Department of Education projects New York's student enrollment will grow by 2 percent by 2024, with high-need school districts experiencing the largest increases.

In November 2013, the State Education Department (SED) reported the following statewide teacher shortage areas between 2010 and 2014: bilingual education, chemistry, career and technical education (CTE), earth science, English language learners, languages other than English, library and school media specialist, physics, special education, special education – bilingual, special education – science certification, and technology education. In New York City, SED identified shortage areas that include the arts, biology, chemistry, CTE, English, health education, library media specialist and mathematics. Evidence shows that New York's current teacher shortages are hitting urban and rural districts the hardest. At a meeting with NYSUT leaders, SED Commissioner MaryEllen Elia said finding ways to recruit and retain teachers must be front and center.

According to a report issued in August 2016 by the U.S. Department of Education and a report issued in May 2017 by the New York State School Board Association (NYSSBA), teacher shortages in New York are not widespread for all subject areas and geographical areas, but rather are concentrated in a handful of subjects and regions of the state, most notably science, special education, foreign languages, mathematics, and English instruction for students whose primary language is not English. In response, the Program is aimed at retaining and/or increasing the number of elementary and secondary teachers serving in hard to staff districts or subject shortage areas across the State by alleviating their student loan burden. Eligible recipients will receive up to \$5,000 annually over four years.

Costs:

a. There are no application fees, processing fees, or other costs to the applicants of this Program.

b. The estimated cost to the agency for the implementation of, or continuing compliance with, this rule is \$341,850.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. Costs to the State shall not exceed available New York State budget appropriations for the Program. The 2018-19 State Budget contained an appropriation for this Program in the sum of \$250,000.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or another special district.

Paperwork:

This proposal will require applicants to file an electronic web application to determine eligibility and an electronic application for each year they wish to receive an award payment for up to four years.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

Given the statutory language as set forth in section 679-j(6) of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal government.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's (HESC) Emergency Rule Making seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or maintain careers as elementary and secondary school teachers throughout New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the

New York State Higher Education Services Corporation's Emergency Rule Making seeking to add new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

HESC finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or remain in careers as elementary and secondary school teachers benefitting rural communities throughout New York State.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.21 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have a negative impact on jobs or employment opportunities. Rather, it has potential positive impacts by providing loan forgiveness benefits to teachers serving in high need school districts or subject areas for which a shortage of teachers exists. Providing these benefits will encourage individuals to pursue and/or remain in careers as elementary and secondary school teachers throughout New York State.

Public Service Commission

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Appointment of a Temporary Operator

I.D. No. PSC-49-18-00006-EP

Filing Date: 2018-11-16

Effective Date: 2018-11-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: The Commission, on November 15, 2018, appointed Suez Water New York, Inc. temporary operator of the Bonville Water Company, Inc. and Knolls Water Co., Inc. water systems.

Statutory authority: Public Service Law, sections 89-b, 89-c and 112-a

Finding of necessity for emergency rule: Preservation of public health and public safety.

Specific reasons underlying the finding of necessity: Bonville Water Company, Inc. and Knolls Water Co., Inc. have failed to provide safe and adequate service for a sustained period of time and lack the technical, financial, or managerial capacity or ability to provide such service.

Subject: Appointment of a temporary operator.

Purpose: To determine if a temporary operator is needed to ensure the safe and adequate provision of water service.

Substance of emergency/proposed rule: The Public Service Commission, on November 15, 2018, adopted an order appointing Suez Water New York, Inc. temporary operator of the Bonville Water Company, Inc. (Bonville) and Knolls Water Co., Inc. (Knolls) water systems, finding that Bonville and Knolls have failed to provide safe and adequate service and lack the technical, financial, or managerial capacity or ability to do so, as demonstrated by unpaid bills, Department of Health violations and multiple boil water notices.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 13, 2019.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Department of Public Service, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(18-W-0545EP1)

NOTICE OF ADOPTION**Complaint Challenging Billing Practices for the Extension of Electric Service to New Developments**

I.D. No. PSC-33-17-00013-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order denying United Residential Group, LLC (United) and Fortress Partners, LLC's (Fortress) complaint challenging Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) billing practices.

Statutory authority: Public Service Law, sections 31(4), 51, 65(1) and 66(1)

Subject: Complaint challenging billing practices for the extension of electric service to new developments.

Purpose: To deny United and Fortress' complaint challenging National Grid's billing practices.

Substance of final rule: The Commission, on November 15, 2018, adopted an order denying United Residential Group, LLC (United) and Fortress Partners, LLC's (Fortress) complaint challenging Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) billing practices for the extension of electric service to new developments. National Grid is directed to file a report within 60 days of the date of this order explaining its processes for reviewing applications for extensions of its electric system, as set forth in the body of this Order, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0413SA1)

NOTICE OF ADOPTION**Proposal for an E-DPA Program**

I.D. No. PSC-09-18-00013-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) proposal to establish an electronic deferred payment agreement (e-DPA) program.

Statutory authority: Public Service Law, sections 37 and 66

Subject: Proposal for an e-DPA program.

Purpose: To approve, with modifications, Con Edison's proposal to establish an e-DPA program.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s proposal to establish an electronic deferred payment agreement program, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

sion, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0501SA2)

NOTICE OF ADOPTION**Residential Electric Vehicle Charging**

I.D. No. PSC-17-18-00012-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing New York State Electric & Gas Corporation (NYSEG) to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct NYSEG to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing New York State Electric & Gas Corporation to file a cancellation supplement for earlier tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, effective on not less than one day's notice, on or before November 28, 2018, cancelling the tariff amendments listed in the Appendix, and to file newer tariff amendments consistent with the discussion in the body of this Order on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA2)

NOTICE OF ADOPTION**Residential Electric Vehicle Charging**

I.D. No. PSC-17-18-00013-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing Rochester Gas & Electric Corporation (RG&E) to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct RG&E to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing Rochester Gas & Electric Corporation to file a cancellation supplement for earlier tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, effective on not less than one day's notice, on or before November 28, 2018, cancelling the tariff amendments listed in the Appendix, and to file newer tariff amendments consistent with the discussion in the body of this Order on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA3)

NOTICE OF ADOPTION

Residential Electric Vehicle Charging

I.D. No. PSC-17-18-00014-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson) to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct Central Hudson to file a cancellation supplement for earlier tariff amendments and to file new tariff revisions.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing Central Hudson Gas & Electric Corporation to file a cancellation supplement for earlier tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, effective on not less than one day's notice, on or before November 28, 2018, cancelling the tariff amendments listed in the Appendix, and to file newer tariff amendments consistent with the discussion in the body of this Order on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA1)

NOTICE OF ADOPTION

Residential Electric Vehicle Charging

I.D. No. PSC-18-18-00008-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to file tariff amendments addressing Public Service Law section 66-o – Residential Electric Vehicle Charging.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct O&R to file tariff amendments addressing Public Service Law section 66-o – Residential Electric Vehicle Charging.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing Orange and Rockland Utilities, Inc. to file tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, consistent with the discussion in the body of this Order on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA5)

NOTICE OF ADOPTION

Residential Electric Vehicle Charging

I.D. No. PSC-18-18-00011-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file tariff amendments regarding residential time-of-use (TOU) rates customer charges.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct Con Edison to file tariff amendments regarding residential TOU rates customer charges.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing Consolidated Edison Company of New York, Inc. to file tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, consistent with the discussion in the body of this Order regarding residential time-of-use (TOU) rates customer charges on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA4)

NOTICE OF ADOPTION

Residential Electric Vehicle Charging

I.D. No. PSC-18-18-00012-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file tariff amendments regarding residential time-of-use (TOU) rates customer charges.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Residential Electric Vehicle Charging.

Purpose: To direct National Grid to file tariff amendments regarding residential TOU rates customer charges.

Substance of final rule: The Commission, on November 15, 2018, adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid to file tariff amendments to address Public Service Law § 66-o – Residential Electric Vehicle Charging, consistent with the discussion in the body of this Order regarding residential time-of-use (TOU) rates customer charges on not less than 90 days' notice, to become effective on April 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0206SA6)

NOTICE OF ADOPTION

Motion for Clarification and Clarifying Revisions

I.D. No. PSC-18-18-00013-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) motion for clarification of the January 19, 2018 Order Approving Tariff Amendments with Modifications and to make clarifying revisions.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Motion for clarification and clarifying revisions.

Purpose: To approve Con Edison's motion for clarification and clarifying revisions.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) motion for clarification of the January 19, 2018 Order Approving Tariff Amendments with Modifications and to make clarifying revisions. Con Edison is directed to file electric tariff amendments consistent with the discussion in the body of this Order and as set forth in the Appendix, on not less than five days' notice, to become effective on December 1, 2018, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0060SA5)

NOTICE OF ADOPTION

Appointment of Temporary Operator

I.D. No. PSC-23-18-00015-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order appointing New York American Water Company, Inc. (NYAW) as the temporary operator of the Painted Apron Water Company (Painted Apron).

Statutory authority: Public Service Law, sections 89-b and 112-a

Subject: Appointment of temporary operator.

Purpose: To appoint NYAW as the temporary operator of Painted Apron.

Substance of final rule: The Commission, on November 15, 2018, adopted an order appointing New York American Water Company, Inc. (NYAW) as the temporary operator of the Painted Apron Water Company (Painted Apron). As a temporary operator, NYAW is authorized to operate and manage Painted Apron in compliance with the tariff approved and on file with the Commission and with statutory and regulatory requirements, in accordance with the discussion in the body of this Order. NYAW shall

have the authority to bill customers under its own name and instruct customers to pay it directly. NYAW is directed to notify the customers of Painted Apron by direct mail or by means of a bill insert of the Commission's decision in this proceeding and to file a copy of the notification with the Secretary to the Commission within 45 days of this Order. The Painted Apron Water Committee shall promptly provide NYAW with access to all property, books, and records necessary for the operation of the water system, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-W-0302SA1)

NOTICE OF ADOPTION

Minor Rate Filing

I.D. No. PSC-28-18-00007-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order authorizing Dudley Water Supply, Inc. (Dudley) to increase its annual revenues by \$13,183 or 32.8%, to become effective on December 1, 2018.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

Subject: Minor rate filing.

Purpose: To authorize Dudley to increase its annual revenues.

Substance of final rule: The Commission, on November 15, 2018, adopted an order authorizing Dudley Water Supply, Inc. (Dudley) to increase its annual revenues by \$13,183 or 32.8%. The tariff amendments filed by Dudley and listed in Appendix A are authorized to become effective on December 1, 2018, provided that Dudley files further tariff revisions establishing the approved rates shown in Appendix F, on not less than three days' notice, to become effective December 1, 2018, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-W-0382SA1)

NOTICE OF ADOPTION

Transfer of Utility Pole Ownership

I.D. No. PSC-28-18-00010-A

Filing Date: 2018-11-16

Effective Date: 2018-11-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition for authority to transfer ownership of 1,688 Joint Use Poles to Verizon New York Inc. (Verizon).

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of utility pole ownership.

Purpose: To approve O&R's petition for authority to transfer ownership of 1,688 Joint Use Poles to Verizon.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Orange and Rockland Utilities, Inc.'s petition for authority to transfer ownership of 1,688 Joint Use Poles to Verizon New York Inc. O&R is directed to file, with the Secretary, within 60 days of the final transfer of the Joint Use Poles to Verizon, a copy of the actual journal entries recorded to account for this transaction, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0327SA1)

NOTICE OF ADOPTION

Debt Financing

I.D. No. PSC-32-18-00012-A

Filing Date: 2018-11-16

Effective Date: 2018-11-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving New York Independent System Operator, Inc.'s (NYISO) petition to incur indebtedness.

Statutory authority: Public Service Law, sections 2(12), (13), 4(1), 5(2), 65(1), 66(1), (2), (4), (5) and 69

Subject: Debt financing.

Purpose: To approve NYISO's petition to incur indebtedness.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving New York Independent System Operator, Inc.'s (NYISO) petition to incur indebtedness. NYISO is authorized to extend for an additional year, to December 31, 2019, the draw period of its currently approved \$30 million credit facility dedicated to funding the replacement of its Energy Management System and Business Management System, with all other terms and conditions of the existing debt instrument remaining the same. NYISO is authorized to enter into a new five-year \$30 million revolving line of credit through December 31, 2023, including an additional \$20 million that can be made available upon request. NYISO is authorized to enter into a new five-year \$90 million unsecured term loan facility dedicated to funding capital investments, software development projects, and other strategic initiatives through December 31, 2023, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0439SA1)

NOTICE OF ADOPTION

Lightened Regulatory Regime

I.D. No. PSC-32-18-00015-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving Cassadaga Wind LLC's (Cassadaga) petition for a lightened ratemaking regulatory regime.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64-69, 69-a, 70-72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Lightened Regulatory Regime.

Purpose: To approve Cassadaga's petition for a lightened ratemaking regulatory regime.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Cassadaga Wind LLC's (Cassadaga) petition for a lightened ratemaking regulatory regime, in connection with the approximately 126 MW wind electric generating facility that Cassadaga is developing in Chautauqua County, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0399SA1)

NOTICE OF ADOPTION

Transfer of Gas Pipeline, Rate Recovery and a Lightened Regulatory Regime

I.D. No. PSC-32-18-00016-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving EmKey Transportation (EmKey) and the City of Jamestown Board of Public Utilities' (JBPU) joint petition for the transfer of a gas pipeline and related facilities from EmKey to JPBU.

Statutory authority: Public Service Law, sections 2(10)-(13), 5(1)(b), 64-69, 70-72, 72-a, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Transfer of gas pipeline, rate recovery and a lightened regulatory regime.

Purpose: To approve EmKey and JPBU's joint petition for the transfer of a gas pipeline and related facilities from EmKey to JPBU.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving EmKey Transportation (EmKey) and the City of Jamestown Board of Public Utilities' (JBPU) joint petition for the transfer of a pipeline and related facilities used to deliver natural gas solely to JBPU's electric generating station, from EmKey to JBPU. JPBU's request for rate recovery of the costs of purchasing and operating the assets as well as an approval for a lightened and incidental regulatory regime for ownership and operation of the assets are approved, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-M-0401SA1)

NOTICE OF ADOPTION

CCA Program

I.D. No. PSC-34-18-00009-A

Filing Date: 2018-11-15

Effective Date: 2018-11-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving Sustainable Westchester, Inc.'s (SW) proposal for the renewal of its Community Choice Aggregation (CCA) Program.

Statutory authority: Public Service Law, sections 5(1), (2), 53, 65 and 66

Subject: CCA Program.

Purpose: To approve SW's proposal for the renewal of its CCA Program.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Sustainable Westchester, Inc.'s (Sustainable Westchester) proposal for the renewal of its Community Choice Aggregation (CCA) Program. Sustainable Westchester must hold at least one additional public outreach meeting in each municipality after selecting an Energy Service Company and prior to opt-out letters being mailed to residents and must make a compliance filing or filings prior to mailing the opt-out letters demonstrating that such meetings were held. Sustainable Westchester shall be permitted to add municipalities to its existing CCA program or create new programs, provided it files certifications of each local authorization for CCA formation from each municipality and supplements to the existing Plan appendices, or submits a new appendix, demonstrating that outreach and education consistent with the Master Implementation Plan and applicable Commission Orders, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-M-0224SA17)

NOTICE OF ADOPTION

Administration Budget for the 2019 Compliance Period

I.D. No. PSC-34-18-00013-A

Filing Date: 2018-11-16

Effective Date: 2018-11-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving New York State Energy Research and Development Authority's (NYSERDA) 2019 administration budget for Tier 1 of the Renewable Energy Standard (RES) and Zero-Emissions Credit (ZEC) programs.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2); Energy Law, section 6-104(5)(b)

Subject: Administration budget for the 2019 compliance period.

Purpose: To approve NYSEDA's 2019 administration budget for Tier 1 of the RES and ZEC programs for the 2019 compliance period.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving New York State Energy Research and Development Authority's (NYSEDA) 2019 administration budget for Tier 1 of the Renewable Energy Standard (RES) and Zero-Emissions Credit (ZEC) programs for the 2019 compliance period. NYSEDA is authorized to expend up to \$8,602,197 for Salary and Overhead, New York State Cost Recovery Fee, RES/ZEC Technical Support and Clean Energy Standard (CES) System Development, as discussed in the body of this Order. NYSEDA is authorized to repurpose up to \$562,149 of previously authorized, but unspent, 2017 CES compliance period funding toward the administration of the 2019 CES compliance period of the RES and ZEC programs. NYSEDA is authorized to repurpose up to \$8,040,048 of additional uncommitted System Benefits Charge, Energy Efficiency Portfolio Standard, and/or Renewable Portfolio Standard funds for the administration of the 2019 CES compliance period of the RES and ZEC programs. NYSEDA is directed to identify and quantify any uncommitted 2018 CES compliance period administrative funds that may become available as part of its 2020 CES compliance period administrative budget filing, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SA36)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-35-18-00007-A

Filing Date: 2018-11-16

Effective Date: 2018-11-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10—Electricity, modifying the reconciliation of electric Purchase of Receivables (POR) discount rate.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to P.S.C. No. 10—Electricity, modifying the reconciliation of POR discount rate.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 – Electricity, modifying the reconciliation of electric Purchase of Receivables (POR) discount rate charged to energy service companies (ESCOs). The tariff amendments filed by Con Edison and listed in the Appendix shall become effective on January 1, 2019, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-E-0489SA1)

NOTICE OF ADOPTION

Motion for Waiver

I.D. No. PSC-37-18-00007-A

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 11/15/18, the PSC adopted an order approving NextEra Energy Transmission New York, Inc.'s (NextEra) motion for a waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for a Certificate.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Motion for waiver.

Purpose: To approve NextEra's motion for a waiver.

Substance of final rule: The Commission, on November 15, 2018, adopted an order approving NextEra Energy Transmission New York, Inc.'s (NextEra) August 2018 motion for a waiver of 16 NYCRR § 86.3(a)(1)'s requirement to use New York State Department of Transportation Maps and to waive 16 NYCRR § 86.3(b)(2)'s requirement to provide aerial photographs taken within six months of filing, regarding requirements for applications under PSL Article VII for a Certificate of Environmental Compatibility and Public Need. This waiver does not supersede or negate the requirements set forth in the October 2018 letter from the Secretary to NextEra, concerning additional information that must be supplied to complete an application, consistent with Public Ser-

vice Law Article VII and implementing regulations, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(18-T-0499SA1)

State University of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

University Faculty Senate

I.D. No. SUN-49-18-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 331.9 of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355(2)(b)

Subject: University Faculty Senate.

Purpose: To clarify that the vice-president/secretary of the University Faculty Senate ("UFS") shall be a voting member of the UFS.

Text of proposed rule: 331.9 Vice president/secretary. Before July 1st of each even-numbered year, the senate shall elect one of its elected members to serve as vice-president/secretary for a term of two years. Upon election as vice-president/secretary, the elected member shall vacate the position as representative of his or her unit in the senate and shall serve as a [non]voting member of the senate. The vice-president/secretary shall take and keep minutes of the senate and shall exercise such other powers and duties as the senate shall provide in its bylaws. The vice president/secretary shall serve as president of the senate during that officer's absence or inability to act. The vice-president/secretary of the senate may be reelected for a second term, but may not thereafter be eligible for a successive term provided however that a vice-president/secretary initially elected to fill less than half of a term arising from a vacancy is eligible to serve two additional successive full terms.

Text of proposed rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, NY 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority: Education Law, 355(2)(b). Section 355(2)(b) authorizes the State University Board of Trustees ("SUNY Board") to make and amend rules and regulations for the governance of the State University and institutions therein.

2. Legislative Objectives: The present measure supports the SUNY Board's legislative authority over governance of the University, specifically faculty governance. The SUNY's Board's policies, codified in Title 8 of New York Codes of Rules and Regulations Part 331, established a University Faculty Senate through which SUNY's faculty engages in the governance of SUNY.

3. Needs and Benefits: The present measure amends the SUNY Board's rules relating to the University Faculty Senate which amendments are deemed necessary by the membership of the University Faculty Senate and the SUNY Board.

4. Costs: There are no costs associated with the present measure.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting

responsibilities. The State University of New York Policies of the Board of Trustees will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: None.

9. Federal Standards: None.

10. Compliance Schedule: None.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs the University Faculty Senate of State University of New York and will not have any adverse impact on the number of jobs or employment.

Department of Taxation and Finance

EMERGENCY RULE MAKING

Congestion Surcharge

I.D. No. TAF-49-18-00007-E

Filing No. 1083

Filing Date: 2018-11-19

Effective Date: 2018-11-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 700 to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 1096(a) and art. 29-C

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Pursuant to Tax Law section 1299-A, a surcharge will be in effect, beginning January 1, 2019, on certain intrastate for-hire transportation that begins in, ends in, or passes through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th street (the "congestion zone"). The Commissioner is required to administer this surcharge, and to accept the registration of those who will be liable for the payment of the surcharge.

This rule is being adopted on an emergency basis so that the people or entities liable for the surcharge can timely register, and ensure that proper transportation records are kept, beginning January 1, 2019.

Subject: Congestion Surcharge.

Purpose: To implement the Congestion Surcharge and related registration, records and reporting requirements.

Substance of emergency rule (Full text is posted at the following State website: tax.ny.gov): Tax Law Article 29-C mandates the payment of a surcharge, effective January 1, 2019, on the provision of certain intrastate for-hire transportation that begins in, ends in, or passes through the geographic area of the city of New York, in the borough of Manhattan, south of and excluding 96th street (the "congestion zone"). The provisions of Article 29-C require, among other things, those who will be responsible for the payment of this surcharge to register with the Commissioner of Taxation and Finance, and to keep records of the transportation they are responsible for.

This rule adds a new Subchapter E (section 700.1 through section 700.4)

to Chapter IV of Title 20 NYCRR. Section 700.1 contains definitions that are applicable throughout Subchapter E, while section 700.2 reflects the imposition of the congestion surcharge. Section 700.3 sets forth registration and renewal requirements (including the payment of fees) for those responsible for the surcharge. Finally, section 700.4 identifies the types of records and information that must be kept, how they must be kept and transmitted, and who is responsible for keeping them (i.e., those who are responsible for the payment of the surcharge).

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires February 16, 2019.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Tax Regulations Specialist II, Department of Taxation and Finance, Office of Counsel, Room 200, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

Office of Temporary and Disability Assistance

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Outreach, Homeless Services Plans and Outcome Reporting

I.D. No. TDA-49-18-00009-EP

Filing No. 1084

Filing Date: 2018-11-20

Effective Date: 2018-11-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of section 304.2 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (j), 20(2)(b), (3)(d)-(e), 34(3)(c)-(f) and (6)

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The rule requires each social services district, at least every two years, to prepare a comprehensive homeless services plan, and to submit the homeless services plan for OTDA approval. Proposed revisions to an approved homeless services plan also must be submitted to OTDA for approval. Each social services district is required to provide homeless services and engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports.

OTDA finds that immediate adoption of the rule is necessary for the preservation of the public health, public safety, and general welfare and, specifically, to help ensure that individuals and families experiencing homelessness are provided with the services needed to help them secure transitional and permanent housing as critical steps toward attaining the goal of long-term housing stability. By requiring each social services district to prepare a comprehensive homeless services plan and then to report on its performance of the items enumerated in the homeless services plan going forward, the rule: promotes effective planning and strategic use of resources by social services districts to combat homelessness; improves coordination and integration with other resources and programs assisting people experiencing homelessness; improves data collection and performance measurement; and strengthens accountability with respect to the use of State funds while allowing each social services district to individually tailor its homeless services plan to allocate funds and resources consistent with each social services district's own unique strengths and challenges. Requiring social services districts to provide homeless services and engage in outreach in accordance with their homeless services plans will help ensure that efforts are made to link persons experienc-

ing homelessness, including the unsheltered homeless, to appropriate services, assistance and housing.

The United States Department of Housing and Urban Development (HUD) recently reported in The 2017 Annual Homeless Assessment Report (AHAR) to Congress (<https://www.hudexchange.info/resource/5639/2017-ahar-part-1-pit-estimates-of-homelessness-in-the-us/>) that, since 2007, the ranks of the homeless in New York State have grown by 43 percent. Between 2016 and 2017 alone, the homeless population in New York State rose 3.6 percent, to 89,503 people. During that same period, the number of unsheltered homeless persons in New York State increased from 3,591 to 4,555, or by approximately 27 percent.

Homelessness has reached crisis proportions in New York State. OTDA asserts that proposing this rule only as a "regular rule making" pursuant to the State Administrative Procedure Act should not be required, because to do so would be detrimental to the health, safety, and general welfare of individuals and families experiencing homelessness, while simultaneously preventing a new mechanism to help ensure State funds are expended effectively and with accountability. Accordingly, OTDA is promulgating this measure as an emergency rule.

Subject: Outreach, Homeless Services Plans and Outcome Reporting.

Purpose: To promote effective planning and strategic use of resources by social service districts in combatting homelessness through their submission of homeless services plans and homeless services outcome reports, and to require social services districts to provide homeless services and engage in outreach to persons experiencing homelessness, including the unsheltered homeless, in accordance with homeless service plans approved by the Office of Temporary and Disability Assistance.

Text of emergency/proposed rule: Part 304 of Title 18 of the NYCRR is amended by adding new § 304.2 to read as follows:

§ 304.2 Outreach, Homeless Services Plans and Outcome Reporting.

(a) As used in this section:

(1) *Assessment means the evaluation of an individual's or family's housing and housing-related needs;*

(2) *Coordinated entry refers to a process by which communities prioritize assistance to homeless individuals and families based on an assessment of their vulnerability and severity of their needs;*

(3) *Emergency shelter means short-term housing accompanied by support services in which the individual/family being housed does not have a lease. Such shelter includes short-term housing provided in a shelter built specifically for this purpose, or in other short-term housing such as that provided by a hotel or motel paid for by the social services district or not-for-profit agency;*

(4) *Homeless means undomiciled and unable to secure or maintain permanent and stable housing without assistance, as determined by the Office of Temporary and Disability Assistance (OTDA). This definition excludes persons who are living "doubled up" with friends or with family;*

(5) *Homelessness prevention means services and assistance aimed at retention of existing housing or providing alternatives to emergency shelter, including but not limited to eviction prevention, case management, and shelter diversion programs;*

(6) *Housing retention services are the supports necessary for formerly homeless persons to remain stably housed. These include income supports, such as employment, job training, and disability benefits and other assistance; substance use and mental health treatment; medical care; legal assistance; life skills, including budgeting; child care; parenting skills; conflict negotiation; and other services as needed;*

(7) *Outreach refers to the engagement of persons experiencing homelessness in order to link them to services, assistance and housing. It can include direct outreach to undomiciled persons through outreach workers or law enforcement officers as well as community-based outreach provided through agencies that serve persons who are homeless or at risk of becoming homeless, such as, but not limited to, food pantries, soup kitchens, and drop-in centers;*

(8) *Permanent housing means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid rehousing. To be permanent housing, the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long, and is terminable only for cause;*

(9) *Permanent supportive housing means permanent housing in which supportive services are provided to assist homeless persons in remaining stably housed;*

(10) *Point-in-time count means a count of sheltered and unsheltered homeless persons carried out on one night in the last 10 calendar days of January or at such other time as required by either the United States Department of Housing and Urban Development or OTDA;*

(11) *Rapid rehousing is a form of permanent housing accompanied by case management for which rental subsidies can be provided for up to 24 months with the goal of helping the household attain self-sufficiency after the rent subsidies end; and*

(12) *Transitional housing means housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of homeless individuals and families into permanent housing.*

(b) *Homeless services plan. At least every two years, each social services district shall develop and submit to OTDA for approval, on a form and in a manner prescribed by OTDA, a comprehensive homeless services plan. The homeless services plan shall:*

(1) *identify the number of sheltered and unsheltered homeless individuals and families identified in the last point-in-time count;*

(2) *identify the numbers of individuals and families for whom the social services district provided temporary housing assistance pursuant to section 352.35 of this Title; and*

(3) *describe the social services district's strategies and plans for addressing the housing and service needs of persons experiencing homelessness, and for providing or accessing each of the following:*

(i) *homelessness prevention services;*

(ii) *outreach;*

(iii) *assessment and coordinated entry services;*

(iv) *emergency shelter;*

(v) *transitional housing;*

(vi) *permanent housing, including rapid rehousing;*

(vii) *permanent supportive housing; and*

(viii) *housing retention services.*

(4) *Proposed revisions to an approved homeless services plan and any changes to the information contained therein must be submitted by the social services district to OTDA for approval prior to implementation.*

(c) *Each social services district shall provide homeless services and engage in outreach in accordance with its approved homeless services plan.*

(d) *Homeless services outcome report. At least every six months, each social services district shall submit to OTDA, on a form and in a manner prescribed by OTDA, a report on the performance of its homeless services plan and its outcomes relative to each of the components identified in subdivision (b) of this section.*

(e) *OTDA may take any enforcement action permissible by law, including, but not limited to, directing the social services district to engage a third party to provide services and/or withholding or denying reimbursement, in whole or in part, to any social services district that fails to develop or submit a homeless services plan or homeless services outcome report, that fails to provide homeless services or engage in outreach in accordance with an approved homeless services plan, or that otherwise fails to comply with this section.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 17, 2019.

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory Authority:

Social Services Law (SSL) § 17(a)-(b) and (j) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units ...,” shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...,” and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(2)(b) provides, in part, that the OTDA shall “supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.” Pursuant to SSL § 20(3)(d) and (e), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL and “to withhold or deny state reimbursement, in whole or in part, from or to any social services district or any city or town thereof, in the event of their failure to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof.”

SSL § 34(3)(c) requires OTDA's Commissioner to “take cognizance of the interests of health and welfare of the inhabitants of the state who lack

or are threatened with the deprivation of the necessities of life and of all matters pertaining thereto.” Pursuant to SSL § 34(3)(d), OTDA's Commissioner must exercise general supervision over the work of all social services districts. SSL § 34(3)(e) provides that OTDA's Commissioner must enforce the SSL and the State regulations within the State and in the social services districts. Pursuant to SSL § 34(3)(f), OTDA's Commissioner must establish regulations for the administration of public assistance and care within the State by the social services districts and by the State itself, in accordance with the law. Pursuant to SSL § 34(6), OTDA's Commissioner “may exercise such additional powers and duties as may be required for the effective administration of the department and of the state system of public aid and assistance.”

2. Legislative Objectives:

It is the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies to provide for the health, safety and general welfare of vulnerable individuals.

3. Needs and Benefits:

The United States Department of Housing and Urban Development (HUD) recently reported in The 2017 Annual Homeless Assessment Report (AHAR) to Congress (<https://www.hudexchange.info/resource/5639/2017-ahar-part-1-pit-estimates-of-homelessness-in-the-us/>) that, since 2007, the ranks of the homeless in New York State have grown by 43 percent. Between 2016 and 2017 alone, the homeless population in New York State rose 3.6 percent, to 89,503 people. During that same period, the number of unsheltered homeless persons in New York State increased from 3,591 to 4,555, or by approximately 27 percent.

Homelessness has reached crisis proportions in New York State. OTDA asserts that this emergency rule is necessary to assure that individuals and families experiencing homelessness are provided with the services needed to help them secure transitional and permanent housing as critical steps toward attaining the goal of long-term housing stability.

Outreach is particularly important to help ensure that social services districts engage the unsheltered homeless, who often can be disconnected and alienated not only from mainstream services and supports, but also from the services targeting homeless persons. More robust outreach will help to link persons experiencing homelessness to services, assistance and housing. Outreach can include direct outreach to undomiciled persons through outreach workers or law enforcement officers, as well as community-based efforts provided through agencies that serve persons who are homeless or at risk of becoming homeless, such as food pantries, soup kitchens, and drop-in centers.

The emergency rule requires each social services district, at least every two years, to prepare a comprehensive homeless services plan and to submit the homeless services plan for OTDA approval. Proposed revisions to an approved homeless services plan must be submitted by the social services district to OTDA for approval. Each social services district is required to provide homeless services and to engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports. The emergency rule: promotes effective planning and strategic use of resources by social services districts to combat homelessness; improves coordination and integration with other resources and programs assisting people experiencing homelessness; improves data collection and performance measurement; strengthens accountability with respect to the use of State funds, while allowing each social services district to individually tailor its homeless services plan to allocate funds and resources consistent with the district's unique strengths and challenges; and helps to ensure that persons experiencing homelessness, and in particular unsheltered homeless persons, are linked to appropriate services, assistance and housing. The State will assist social services districts lacking expertise to prepare suitable homeless services plans.

4. Costs:

The emergency rule will not result in additional costs to the State. Social services districts will incur some small additional administrative costs in regard to the compilation and submission of the homeless services plans and homeless services outcome reports. The emergency rule may require some social services districts to better coordinate the provision of homeless services with other local providers. Similar information was requested of social services districts in August 2016 for the preparation of a statewide homeless services report issued by OTDA in January 2017, as required by Chapter 482 of the Laws of 2015.

With respect to homeless services and outreach, social services districts already effectively providing services and making robust outreach efforts should incur little or no additional cost. To the extent that social services districts must enhance their delivery of homeless services or outreach efforts, there may be additional costs depending on the nature and extent of the enhancements.

In the event that a social services district fails to comply with the requirements of the emergency rule and, pursuant to 18 NYCRR

§ 304.2(e), is directed to engage a third party to provide homeless services that the social services district failed to provide, the social services district would incur the costs associated with such engagement. These potential costs would vary, depending on the extent and duration of the failure to provide homeless services, and the nature of the services to be provided by the third party. The regulation should not provide exemptions, because this would not serve the purposes of helping to ensure the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions. Requiring each social services district to prepare a comprehensive homeless services plan and then to report on its performance of the items enumerated in the homeless services plan going forward promotes effective planning and strategic use of a social services district's resources, improves each social services district's data collection and performance measurement, and allows each social services district to individually tailor its homeless services plan to allocate funds and resources consistent with the social services district's own unique strengths and challenges, all of which help to reduce the need for third party intervention.

5. Local Government Mandates:

At least every two years, each social services district is required to prepare and submit for OTDA approval a comprehensive homeless services plan. Proposed revisions to an approved homeless services plan also must be submitted to OTDA for approval. Each social services district is required to provide homeless services and engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports.

6. Paperwork:

At least every two years, each social services district is required to prepare and submit for OTDA approval a comprehensive homeless services plan. Proposed revisions to an approved homeless services plan also must be submitted to OTDA for approval. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports.

7. Duplication:

The emergency rule does not duplicate, overlap, or conflict with any existing State or federal rules or regulations.

8. Alternatives:

A possible alternative would be not to promulgate the emergency rule. However, such inaction would result in social services districts combating homelessness using State funds with less than adequate levels of accountability and oversight, and with limited opportunity for the State to gauge the success of the social services districts' programs and efforts. By enhancing planning at the local level and requiring social services districts to report on outcomes, OTDA believes that the emergency rule helps ensure that individuals and families experiencing homelessness are most efficiently provided with the critical services needed to help them secure transitional and permanent housing, and to increase the ability to evaluate the effectiveness of social services districts' efforts to combat homelessness. OTDA further believes that the emergency rule helps to ensure that persons experiencing homelessness, in particular unsheltered homeless persons, are linked to appropriate services, assistance and housing. Therefore, OTDA does not consider inaction a viable alternative to the emergency rule.

9. Federal Standards:

The emergency rule does not conflict with federal statutes, regulations or policies.

10. Compliance Schedule:

The emergency rule became effective on the date the Notice of Emergency Adoption and Proposed Rule Making was submitted to the Department of State. At least every two years, each social services district must submit a comprehensive homeless services plan. At least every six months, each social services district also must submit homeless services outcome reports.

Regulatory Flexibility Analysis

1. Effect of rule:

The emergency rule applies to all 58 social services districts in the State. It does not apply to the small businesses that operate emergency shelters.

2. Compliance requirements:

The emergency rule requires each social services district, at least every two years, to prepare a comprehensive homeless services plan and to submit the homeless services plan for approval by the Office of Temporary and Disability Assistance (OTDA). Proposed revisions to an approved homeless services plan must also be submitted to OTDA for approval. Each social services district is required to provide homeless services and engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports.

The emergency rule further requires social services districts to provide homeless services and engage in outreach in accordance with their approved homeless services plans to help ensure that efforts are made to link persons experiencing homelessness, including the unsheltered homeless, to appropriate services, assistance and housing.

3. Professional services:

It is anticipated that the need for additional professional services will be limited. The State will assist social services districts that lack the expertise to prepare suitable homeless services plans and homeless services outcome reports, without the need for securing professional services.

4. Compliance costs:

The emergency rule will have no cost impact upon small businesses.

Social services districts will incur some small additional administrative costs in regard to the compilation and submission of the comprehensive homeless services plan and homeless services outcome reports. The emergency rule may require some social services districts to better coordinate the provision of homeless services with other local providers. Similar information was requested of social services districts in August 2016 for the preparation of a statewide homeless services report issued by OTDA in January 2017, as required by Chapter 482 of the Laws of 2015.

With respect to homeless services and outreach, social services districts already effectively providing services and making robust outreach efforts should incur little or no additional cost. To the extent that social services districts must enhance their delivery of homeless services or outreach efforts, there may be additional costs depending on the nature and extent of the enhancements.

In the event that a social services district fails to comply with the requirements of the emergency rule and, pursuant to 18 NYCRR § 304.2(e), is directed to engage a third party to provide homeless services that the social services district failed to provide, the social services district would incur the costs associated with such engagement. These potential costs would vary, depending on the extent and duration of the failure to provide homeless services, and the nature of the services to be provided by the third party. The regulation should not provide exemptions, because this would not serve the purposes of helping to ensure the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions. Requiring each social services district to prepare a comprehensive homeless services plan and then to report on its performance of the items enumerated in the homeless services plan going forward promotes effective planning and strategic use of a social services district's resources, improves each social services district's data collection and performance measurement, and allows each social services district to individually tailor its homeless services plan to allocate funds and resources consistent with the social services district's own unique strengths and challenges, all of which help to reduce the need for third party intervention.

5. Economic and technological feasibility:

Social services districts should already have the economic and technological abilities to comply with the emergency rule.

6. Minimizing adverse impact:

OTDA does not anticipate that the reporting requirements established by the emergency rule or the requirement to engage in outreach to persons experiencing homelessness will adversely impact social services districts. The emergency rule should not provide exemptions relating to the required submission of homeless services plans or homeless services outcome reports because this would not serve the purposes of promoting planning and strategic use of resources by social services districts to address homelessness, improving coordination and integration with other resources and programs assisting people experiencing homelessness, improving data collection and performance measurement, and strengthening accountability with respect to the use of State funds.

Likewise, the emergency rule should not provide exemptions relating to the requirement that social services districts undertake outreach to engage persons experiencing homelessness, as it is critical that persons experiencing homelessness, and in particular unsheltered homeless persons, be linked to appropriate services, assistance and housing.

7. Small business and local government participation:

At a conference held in Hamilton, New York on May 8, 2018, Social Services District Commissioners were alerted to the fact that such regulatory requirements were forthcoming. It is anticipated that social services districts will be dedicated to implementing the emergency rule and protecting the health, safety, and general welfare of persons experiencing homelessness.

8. For rules that either establish or modify a violation or penalties associated with a violation:

While the emergency rule provides that OTDA may withhold or deny reimbursement, in whole or in part, to any social services district that fails to comply, this remedial provision is already expressly set forth in Social Services Law § 20(3)(e), which authorizes OTDA to "withhold or deny state reimbursement, in whole or in part, from or to any social services

district or any city or town thereof, in the event of the failure of either of them to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof.”

In the event that a social services district fails to comply with the requirements of the emergency rule and, pursuant to 18 NYCRR § 304.2(e), is directed to engage a third party to provide homeless services that the social services district failed to provide, the social services district would incur the costs associated with such engagement. These potential costs would vary, depending on the extent and duration of the failure to provide homeless services, and the nature of the services to be provided by the third party. The regulation should not provide exemptions, because this would not serve the purposes of helping to ensure the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions. Requiring each social services district to prepare a comprehensive homeless services plan and then to report on its performance of the items enumerated in the homeless services plan going forward promotes effective planning and strategic use of a social services district’s resources, improves each social services district’s data collection and performance measurement, and allows each social services district to individually tailor its homeless services plan to allocate funds and resources consistent with the social services district’s own unique strengths and challenges, all of which help to reduce the need for third party intervention.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The emergency rule applies to the 44 rural social services districts.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

The emergency rule requires each social services district, at least every two years, to prepare a comprehensive homeless services plan and to submit the homeless services plan for OTDA approval. Proposed revisions to an approved homeless services plan also must be submitted to OTDA for approval. Each social services district is required to provide homeless services and engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports. The State will assist social services districts that lack the expertise to prepare suitable outreach or homeless services plans and homeless services outcome reports.

The emergency rule further requires social services districts to provide homeless services and engage in outreach in accordance with their approved homeless services plans to help ensure that efforts are made to link persons experiencing homelessness, including the unsheltered homeless, to appropriate services, assistance and housing.

3. Costs:

Rural social services districts will incur some small additional administrative costs in regard to the compilation and submission of homeless services plans and homeless services outcome reports. The emergency rule may require some rural social services districts to better coordinate the provision of homeless services with other local providers. Similar information was requested of rural social services districts in August 2016 for the preparation of a statewide homeless services report issued by OTDA in January 2017, as required by Chapter 482 of the Laws of 2015.

With respect to homeless services and outreach, rural social services districts already effectively providing services and making robust outreach efforts should incur little or no additional cost. To the extent that rural social services districts must enhance their delivery of homeless services or outreach efforts, there may be additional costs depending on the nature and extent of the enhancements.

In the event that a rural social services district fails to comply with the requirements of the emergency rule and, pursuant to 18 NYCRR § 304.2(e), is directed to engage a third party to provide homeless services that the rural social services district failed to provide, the rural social services district would incur the costs associated with such engagement. These potential costs would vary, depending on the extent and duration of the failure to provide homeless services, and the nature of the services to be provided by the third party. The regulation should not provide exemptions, because this would not serve the purposes of helping to ensure the health and safety of all emergency shelter residents and protecting these vulnerable residents from dangerous conditions. Requiring each rural social services district to prepare a comprehensive homeless services plan and then to report on its performance of the items enumerated in the homeless services plan going forward promotes effective planning and strategic use of a rural social services district’s resources, improves each rural social services district’s data collection and performance measurement, and allows each rural social services district to individually tailor its homeless services plan to allocate funds and resources consistent with the rural social services district’s own unique strengths and challenges, all of which help to reduce the need for third party intervention.

4. Minimizing adverse impact:

The emergency rule should not provide exemptions relating to the required submission of homeless services plans or homeless services outcome reports because this would not serve the purposes of promoting planning and strategic use of resources by social services districts to address homelessness, improving coordination and integration with other resources and programs assisting people experiencing homelessness, improving data collection and performance measurement, and strengthening accountability with respect to the use of State funds. OTDA recognizes that rural social services districts will have different strengths and challenges from those faced by social services districts in more densely populated regions, and anticipates that rural social services districts will tailor their plans accordingly, which will minimize adverse impact of the emergency rule.

5. Rural area participation:

At a conference held in Hamilton, New York on May 8, 2018, Social Services District Commissioners were alerted to the fact that such regulatory requirements were forthcoming. It is anticipated that rural social services districts will be dedicated to implementing the emergency rule and engaging in more robust planning and outreach in order to improve the strategic use of resources to combat homelessness and to link persons experiencing homelessness, including unsheltered homeless persons, to appropriate services, assistance and housing.

Job Impact Statement

A Job Impact Statement is not required for this emergency rule. The purpose of the emergency rule is to require each social services district, at least every two years, to prepare a comprehensive homeless services plan, and to submit the homeless services plan for OTDA approval. Proposed revisions to an approved homeless services plan also must be submitted by the social services district to OTDA for approval. Each social services district is required to provide homeless services and engage in outreach in accordance with its approved homeless services plan. Then, at least every six months, each social services district must report on its performance of the items enumerated in its homeless services plan in homeless services outcome reports. The emergency rule promotes effective planning and strategic use of resources by social services districts to combat homelessness. The emergency rule helps ensure that individuals and families experiencing homelessness are provided with the services needed to help them secure transitional and permanent housing as critical steps toward attaining the goal of long-term housing stability. The emergency rule also helps to ensure that persons experiencing homelessness, and in particular unsheltered homeless persons, are linked to appropriate services, assistance and housing. The State will provide assistance to social services districts lacking the expertise necessary to develop homeless services plans and homeless services outcome reports.

It is apparent from the nature and the purpose of the emergency rule that it will not have a substantial adverse impact on jobs and employment opportunities in the private sector, in the social services districts, or in the State.

Triborough Bridge and Tunnel Authority

PROPOSED RULE MAKING HEARING(S) SCHEDULED

A Proposal to Establish a New Crossing Charge Schedule for Use of Bridges and Tunnels Operated by TBTA

I.D. No. TBA-49-18-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of section 1021.1; and addition of new section 1021.1 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 553(5)

Subject: A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA.

Purpose: A proposal to raise additional revenue.

Public hearing(s) will be held at: 5:00 p.m., Nov. 27, 2018 at Baruch College, 17 Lexington Ave., Manhattan, NY; 5:00 p.m., Nov. 29, 2018 at Hostos Community College, 450 Grand Concourse, Bronx, NY; 5:30 p.m., Nov. 29, 2018 at Hilton Long Island, 598 Broad Hollow Rd., Melville, NY; 5:30 p.m., Dec. 3, 2018 at College of Staten Island, 2800 Victory

Blvd., Staten Island, NY; 5:00 p.m., Dec. 5, 2018 at New York Power Authority, Jaguar Rm., 123 Main St., White Plains, NY; 5:00 p.m., Dec. 10, 2018 at Long Island University, Kumble Theater for the Performing Arts, One University Plaza, Brooklyn, NY; 5:00 p.m., Dec. 11, 2018 at York College, Milton G. Bassin Performing Arts Center, 95-45 Guy R. Brewer Blvd., Jamaica, NY; 5:30 p.m., Dec. 13, 2018 at West of Hudson - Palisades Center, Adler Community Rm., Fourth Fl., 1000 Palisades Center Dr., West Nyack, NY.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Text of proposed rule: See Appendix in the back of this issue.

Text of proposed rule and any required statements and analyses may be obtained from: Julia R. Christ, Executive Agency General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, New York 10004, (646) 252-7620, email: jchrist@mtabt.org

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Workers' Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Pharmacy Fee Schedule

I.D. No. WCB-49-18-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Part 440 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13-o, 13-p, 117 and 141

Subject: Pharmacy Fee Schedule.

Purpose: Update the pricing methodology for prescription drugs.

Substance of proposed rule (Full text is posted at the following State website: <http://www.wcb.ny.gov/content/main/wclaws/newlaws.jsp>): Section 440.2 of Part 440 of Title 12 NYCRR is amended to read as follows:

Section 440.2. Definitions

Section 440.2 has added new definitions and renumbered the sections accordingly. 440.2(c), (d), (f), (i)(3)(ii), (n) and (r) are new or substantially changed, and appear below:

(c) "Calculated cost" means the Average Wholesale Price for the national drug code of the prescription drug or medicine on the day it was dispensed plus a dispensing fee. For brand name drugs the Calculated cost shall be AWP minus twelve percent of the Average Wholesale price plus a dispensing fee of four dollars. For generic drugs the Calculated cost shall be AWP minus twenty percent plus a dispensing fee of five dollars.

(d) "Contract price" means the maximum amount that a designated pharmacy (as set forth in section 440.3 of this Part) will pay a pharmacy for generic drugs and brand name drugs that have generic versions available (multi-source brands).

(f) "Generic drug" means an FDA-approved drug that is therapeutically equivalent to a brand name drug, as determined by the FDA's designation of the drug with the Therapeutic Equivalence Evaluation Code designation as an "A" product in the "Approved Drug Products with Therapeutic Equivalence Evaluations" (commonly referred to as the Orange Book), irrespective of dosage for the route of administration (oral, topical or systemic) prescribed. A brand name drug may not be dispensed when a generic version of the same active ingredient is commercially available in a different strength/dosage.

(i) "Pharmacy benefit management" means the services provided to a self-insured employer or insurance carrier, directly or through another entity, including:

(3) the administration or management of prescription medicine or drug benefits, including, but not limited to, any of the following:

(i) mail service pharmacy;

(ii) claims processing, New York Pharmacy Formulary administration and prior authorization review, retail network contracting and management, or payment of claims to pharmacies for dispensing prescription medicines or drugs;

(n) "Repackaging" is the act of taking a finished drug product from the container in which it was distributed by the original manufacturer and placing it into a different container without further manipulation of the drug. Repackaging also includes the act of placing the contents of multiple containers (e.g., vials) of the same finished drug product into one container when the container does not include other ingredients.

(r) "Usual and Customary price" means the retail price charged to the general public for a prescription drug.

Subdivision (d) of Section 440.3 of Part 440 is amended to add that prior to filing prescribed notice of the decision in a controverted case, the claimant may be prescribed and the carrier/self-insured employer will be responsible for the cost (see section 440.5) of medications from Phase A, B, C, or Perioperative section the Pharmacy Formulary as applicable.

A new subdivision (g) is added to Section 440.3 of Part 440 to read as follows:

(g) Any rebates or third-party revenue related to drugs dispensed through a contract for pharmacy benefit management and delivered to the designated pharmacy shall be passed through in full to the insurance carrier or self-insured employer. Carriers shall offset bills to insured employers by the amount of any passed-through rebate and third-party revenue. Such rebates and third-party revenue shall be reported annually to the carrier or self-insured employer and reported to the Chair upon request.

Section 440.5 of Part 440 is amended to read as follows:

Section 440.5. Fee schedule

(a)(1) The maximum reimbursement or payment for New York Workers' Compensation Formulary drugs or, when applicable, for drugs that received Prior Authorization in accordance with section 441.4 of this Chapter, including all brand name and generic prescription drugs or medicines, shall be the lesser of the calculated cost, the contract price (for designated pharmacies), or the usual and customary price for the prescription drug or medication.

(2) The maximum reimbursement for prescription drugs or medicines dispensed in controverted cases during the period the case is controverted, including all brand name and generic prescription drugs or medicines, shall be twenty-five per cent more than the calculated cost at the time the prescription drugs or medicines are provided if the case was uncontroverted, plus a dispensing fee of seven dollars and fifty cents for generic prescription drugs or medicines and six dollars for brand-name prescription drugs or medicines. Prior to the filing of a prescribed notice denying the claim for workers' compensation, the claimant may be prescribed and the insurance carrier or self-insured employer will be responsible for the cost (as set forth in subdivision (a)(1) of this section) of medications from, as applicable, Phase A, B, C or the Perioperative section of the Pharmacy Formulary.

(3) Nothing in this section shall bar a self-insured employer or insurance carrier from providing a lower reimbursement rate or dispensing fee pursuant to a written agreement with any independent pharmacy, pharmacy chain, or pharmacy benefit manager.

(4) The maximum reimbursements or payments for prescription drugs or medicines set forth in this subdivision shall be the maximum payment any individual or entity may receive from any claimant, individual, entity, self-insured employer, insurance carrier, or third party in connection with a claim for workers' compensation benefits.

(b) Fees for pharmacy benefit management shall be established by agreement between the self-insured employer or insurance carrier and the independent pharmacy, pharmacy chain, or pharmacy benefit manager. Fees to a pharmacy processing agent shall be established by agreement between the independent pharmacy, pharmacy chain, or pharmacy benefit manager and the pharmacy processing agent. The Chair may audit agreements from time to time for the purpose of ensuring compliance with this Part.

(c) Notwithstanding any other provision of this Part, if a prescription drug or medicine has been repackaged, the Average Wholesale Price used to determine the maximum reimbursement shall be the Average Wholesale Price of the underlying drug product, as identified by its national drug code (or NDC), of the underlying drug product used in the drug packaging. If the NDC is not supplied with the bill for the prescription drug or medicine, the self-insured employer or insurance carrier may identify the NDC of the underlying drug product to calculate reimbursement. While a pharmacy may engage in repackaging by removing a finished drug prod-

uct from the container in which it was distributed by the original manufacturer and placing it into a different (often smaller container), the pharmacy may not charge a fee that exceeds the AWP for the container in which the finished drug product was distributed by the original manufacturer prior to any repackaging.

(d) Compound drug, as defined in subdivision (a) of section 441.1, shall be reimbursed at the ingredient level, with each ingredient identified using the applicable NDC of the drug product, and the corresponding quantity. Ingredients with no NDC are not separately reimbursable. When a compound drug is prescribed and dispensed in accordance with subdivision (a) of section 441.1 or pursuant subdivision (m) of section 441.1 (Prior Authorization), payment shall be based upon a sum of the allowable fee for each NDC ingredient(s) plus a single dispensing fee of six dollars per compound drug.

(e) The fee schedule created by this section shall not apply to prescription drugs or medicines provided as part of treatment governed by the medical and hospital fee schedule issued pursuant to Workers' Compensation Law Section 13.

Section 440.6 of Part 440 is amended to read as follows:

Section 440.6. Prescription drugs or medicines

(a) When a brand name drug is prescribed to treat an injury for which a self-insured employer or insurance carrier is liable pursuant to Workers' Compensation Law Section 13, a generic drug equivalent, if a generic equivalent is available, shall be provided unless the prescribing physician obtains Prior Authorization pursuant to subdivision (m) of section 441.1.

(b) A billing statement submitted to a self-insured employer or carrier for a prescription drug that has been dispensed shall include the national drug code number of the prescription drug as listed in the national drug code directory maintained by the federal Food and Drug Administration and shall state separately the price of the prescription drug and the dispensing fee.

Subdivisions (a) and (b) of Section 440.8 of Part 440 are amended to read as follows:

(a) Upon receipt of a bill or reimbursement request for prescription medicine, the self-insured employer or insurance carrier shall pay or reimburse the claimant, pharmacy, pharmacy benefit manager, pharmacy processing agent or third party within forty-five days of receipt of the bill or reimbursement request in accordance with section 440.5 of this Part, unless:

(1) The drug was not prescribed consistent with Part 441 of this Chapter (New York Workers' Compensation Formulary); or

(2) The insurance carrier or self-insured employer has denied the claim in accordance with Workers' Compensation Law section 25 (2), and section 300.22 of this Chapter.

(b) Where the self-insured employer or insurance carrier denies payment of all or a portion of a pharmacy bill pursuant to subdivision 1 herein, it shall pay any undisputed amount of the bill or reimbursement request and notify the claimant, the claimant's representative, if any, as well as the pharmacy, or pharmacy benefit manager, pharmacy processing agent, or third party which submitted the bill or reimbursement request, as appropriate. A notice to the pharmacy, pharmacy benefits manager, pharmacy processing agent, or third party must be made for each claim; denial of multiple claims in a single notice are not in compliance with this Section. Such notice shall be made to all parties on the same day within forty-five days of receipt of the claim or reimbursement request and shall state that the claim is not being paid and the reason for non-payment of the claim.

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, Workers' Compensation Board, 328 State Street, Office of General Counsel, Schenectady, New York 12305-2318, (518) 486-9564, email: regulations@wcb.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory authority: Workers' Compensation Law (WCL) § 13-o requires the Chair to adopt a pharmacy fee schedule, WCL § 13-p requires the Chair to implement a pharmacy reimbursement strategy and drug rebate program, and WCL § 117(1) authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative objectives: The proposed amendments are required by WCL § 13-p to ensure that savings in pricing of pharmaceuticals is realized in the workers' compensation system. The proposed regulations satisfy the legislative directive insofar as the proposal would establish a fee calculation methodology that uses a "lesser of" standard, among the current means to calculate price and two additional options. The proposal

also implements a reimbursement strategy to ensure cost savings to the workers' compensation system.

3. Needs and benefits: Workers' Compensation Law § 13-p requires the Chair to adopt a drug formulary and includes a requirement that this formulary implement a pharmacy reimbursement strategy. Central to such implementation is a modification of the method for calculating a drug's price to ensure that insurance carriers and employers are paying the lowest price available. Accordingly, the proposal – which governs the cost of prescription medicines – updates the pharmacy fee schedule to provide these changes and includes modifications to compound medication pricing and how savings achieved by pharmacy networks are passed to employers. Specifically, the proposed regulations amend the pharmacy fee schedule to provide an additional methodology for calculating pharmacy fees to ensure that the workers' compensation system receives the benefits of the industry cost savings.

4. Costs: The only costs associated with this proposal would be to regulated parties due to programming needed to allow for application of the alternative price calculation. It is believed the costs savings that will result from using this methodology will far exceed any associated costs.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district. However, a municipality or governmental agency that is self-insured is required to comply with the same rules required of insurance carriers.

6. Paperwork: The proposal does not impose any new reporting requirements.

7. Duplication: The proposal does not duplicate other regulatory initiatives.

8. Alternatives: Based upon the mandate of the Legislature to establish a prescription drug formulary, the Chair is required to promulgate regulations in order to ensure the orderly implementation of the formulary. This includes these amendments to the pharmaceutical fee schedule. The Board believes that not following the legislative directive is not a tenable option.

9. Federal standards: There are no applicable Federal Standards.

10. Compliance schedule: All affected pharmacies, carriers, and self-insured employers will have to comply with the proposed prescription drug formulary and the amendments to the pharmaceutical fee schedule account for such required compliance. Regulated entities will be required to comply by April 1, 2019.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposed amendments will not have any adverse economic impact or impose any reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposal enhances the existing methodology for calculating reimbursement for prescription medication in workers' compensation cases. These proposed changes will not have any adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required because the proposed amendments will not have any impact rural areas. The proposal enhances the existing methodology for calculating reimbursement for prescription medication in workers' compensation cases. These proposed changes will not affect rural areas in any manner.

Job Impact Statement

A Job Impact Statement is not required because the proposed amendments will not have any impact on jobs or employment opportunities. The proposal enhances the existing methodology for calculating reimbursement for prescription medication in workers' compensation cases. These proposed changes will not affect jobs or employment opportunities in any manner.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-40-18-00021-EP.....	Shell eggs; acidified foods	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.
Public Service Commission		
PSC-42-18-00014-P	Disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years	Department of Public Service, Agency Bldg. Three, 3rd Fl. Hearing Rm., Albany, NY—December 12, 2018, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 18-E-0606.
Triborough Bridge and Tunnel Authority		
TBA-49-18-00011-P	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	Baruch College, 17 Lexington Ave., Manhattan, NY—November 27, 2018, 5:00 p.m. Hostos Community College, 450 Grand Concourse, Bronx, NY—November 29, 2018, 5:00 p.m. Hilton Long Island, 598 Broad Hollow Road, Melville, NY—November 29, 2018, 5:30 p.m. College of Staten Island, 2800 Victory Blvd., Staten Island, NY—December 3, 2018, 5:30 p.m. New York Power Authority, Jaguar Rm., 123 Main St., White Plains, NY—December 5, 2018, 5:00 p.m. Long Island University, Kumble Theater for the Performing Arts, One University Plaza, Brooklyn, NY—December 10, 2018, 5:00 p.m. York College, Milton G. Bassin Performing Arts Center, 95-45 Guy R. Brewer Blvd., Jamaica, NY—December 11, 2018, 5:00 p.m. West of Hudson - Palisades Center, Adler Community Rm., Fourth Fl., 1000 Palisades Center Dr., West Nyack, NY—December 13, 2018, 5:30 p.m.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-44-18-00005-P 10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-34-18-00001-EP 10/25/19	Importation of cervids susceptible to Chronic Wasting Disease ("CWD").	To help control the spread of CWD into the State's cervid population.
AAM-40-18-00021-EP	..... 01/14/20	Shell Eggs; Acidified Foods	To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption
AAM-41-18-00001-EP	..... 10/10/19	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in or moving through areas in other states where SL is present from entering NYS
AAM-43-18-00002-P	..... 10/24/19	Certification of Industrial Hemp Seed	To establish standards for certification of industrial hemp seed
AAM-49-18-00001-P	..... 12/05/19	Licensing of malt operators and processors	To exempt malt operators and processors producing under a certain volume from licensing requirements and fees

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-12-18-00001-RP	..... 03/21/19	Problem Gambling Treatment and Recovery Services	Repeals existing gambling regulation; replaces with substantially updated provisions
ASA-21-18-00025-RP	..... 05/23/19	Credentialing of Addictions Professionals	Repeal obsolete rules; update process of credentialing addictions professionals
ASA-21-18-00026-P	..... 05/23/19	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments.
ASA-37-18-00002-P	..... 09/12/19	The rule pertains to HIV/AIDS prevention, treatment and confidentiality.	Clarifies the statutory and regulatory obligations of OASAS programs relating to HIV/AIDS.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-24-18-00003-P	06/13/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-18-00013-P	08/15/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-41-18-00006-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00007-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00008-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00009-P	10/10/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-41-18-00010-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00011-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00012-P	10/10/19	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-41-18-00013-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-41-18-00014-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-18-00015-P	10/10/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-18-00016-P	10/10/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-18-00017-P	10/10/19	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-41-18-00018-P	10/10/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-18-00019-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-41-18-00020-P	10/10/19	Jurisdictional Classification	To delete from and classify positions in the exempt and non-competitive classes
CVS-46-18-00006-P	11/14/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-18-00007-P	11/14/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-18-00008-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-18-00009-P	11/14/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-46-18-00010-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-46-18-00011-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-46-18-00012-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-42-18-00001-EP	10/17/19	Necessary age for admission to an adult lockup	To ensure that individuals under 17 years old are not admitted to an adult lockup
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00004-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update job specifications and required knowledge, skills, and abilities for probation professionals employed by localities.
CJS-32-18-00005-P	08/08/19	Case Record Management	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00006-P	08/08/19	Investigations and Reports	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00007-P	08/08/19	Probation Supervision	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00008-P	08/08/19	Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00009-P	08/08/19	Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00010-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
EDUCATION DEPARTMENT			
EDU-13-18-00027-P	03/28/19	Teacher Certification in Health Education	Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education
EDU-19-18-00006-ERP	05/09/19	The implementation of New York's approved ESSA plan to comply with the provisions of the Every Student Succeeds Act	To implement New York's approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act
EDU-26-18-00009-ERP	06/27/19	The administration of certain vaccines by pharmacists	To implement the provisions of Part DD of chapter 57 of the Laws of 2018
EDU-40-18-00007-P	10/03/19	Certificate progression pathway	Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience
EDU-40-18-00008-P	10/03/19	P-20 Principal Preparation Pilot Program	To establish the requirements for the P-20 Principal Preparation Pilot Program
EDU-40-18-00009-P	10/03/19	Students with Disabilities	To conform the Commissioner's regulations to Chapters 422, 428 and 429 of the Laws of 2017
EDU-40-18-00010-P	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-40-18-00011-EP	10/03/19	School Breakfast Programs	To initiate, maintain, or expand school breakfast programs and make technical amendments to conform to federal requirements
EDU-40-18-00012-EP	10/03/19	Prohibition against meal shaming	Requires certain schools to develop a plan to prohibit against meal shaming or treating pupils with unpaid meal fees differently
EDU-44-18-00006-P	10/31/19	Limited extensions and program requirements for certain career and technical education teachers	Creation of an extension for holders of the Career and Technical Education Certificate to Teach Grades 5 and 6
EDU-44-18-00007-P	10/31/19	Alternative pathways for certificate for certain teachers who hold Students with Disabilities certificate	Establishes limited extensions and statements of continued eligibility pathways for teachers who hold certain teaching certificates for Students with Disabilities in grades 7-12
EDU-47-18-00010-EP	11/21/19	English Language Learner Grade Span Waiver Requirement	To provide a one-year renewable waiver to expand the allowable grade span for ENL and BE classes to three contiguous grades
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-20-18-00007-P	07/24/19	Repeal and replace 6 NYCRR Parts 243, 244 and 245 and amend 6 NYCRR Part 200	Parts 243, 244 and 245 set forth the process the Department will use to allocate allowances under EPA's CSAPR Trading Programs
ENV-48-18-00002-P	11/28/19	Jonah crab management	To implement required management measures of the Atlantic States Marine Fisheries Commission Jonah Crab Fishery Management Plan
ENV-49-18-00002-P	12/05/19	Northern Catskill Riparian Areas	To correct a mistake in the description of the Kaaterskill Falls Riparian Area
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-23-18-00001-P	06/06/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To require coverage for maternal screening and referrals
DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-26-18-00002-EP	06/27/19	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
DFS-36-18-00003-P	09/05/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.
DFS-40-18-00005-P	10/03/19	Transportation Network Companies: Minimum Provisions for Policies and Other Requirements	To extend the date in Section 60-3.7(b) from January 1, 2019 to July 1, 2019 and to fix an incorrect citation.
DFS-42-18-00003-P	10/17/19	Valuation of Life Insurance Reserves; Recognition of the 2001 CSO Mortality Table and the 2017 CSO Mortality Table, et al	To recognize mortality improvement for applicable policies issued prior to 1/1/2019 if optionally elected
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act- Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
GAMING COMMISSION, NEW YORK STATE			
SGC-09-18-00005-P	02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-38-18-00002-P	09/19/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-38-18-00003-P	09/19/19	Casino fees and payments.	Implementation of rules governing procedures for submission of fees and payments by gaming facilities to the Gaming Commission.
SGC-39-18-00003-P	09/26/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-40-18-00006-P	10/03/19	Amendment of multiple medication violation (MMV) penalty enhancement rule.	To enable the Commission to enhance the integrity and safety of thoroughbred pari-mutuel racing.
SGC-42-18-00015-P	10/17/19	Permit greater purse-to-price ratio in Thoroughbred claiming races	To advance the best interests of Thoroughbred racing and protect the safety of the race horses
SGC-47-18-00009-P	11/21/19	Self-exclusion and casino advertising	To centralize Commission self-exclusion policies and make self-exclusion universal throughout the various forms of gaming
GENERAL SERVICES, OFFICE OF			
GNS-46-18-00001-P	11/14/19	Service-Disabled Veteran-Owned Business Enterprises	To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-04-18-00010-RP	01/24/19	Emergency Medical Services (EMS) Initial Certification Eligibility Requirements	To reduce the EMS certification eligibility minimum age from 18 to 17 years of age
HLT-07-18-00002-P	02/14/19	Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations	To make changes relating to reserved bed payments made by Medicaid to nursing facilities
HLT-22-18-00010-P	05/30/19	Criminal History Record Checks and Advanced Home Health Aides	This rule will implement statutory changes related to criminal history records checks and advanced home health aides
HLT-25-18-00008-P	06/20/19	Inpatient Psychiatric Services	To enhance reimbursement mechanisms for inpatient psychiatric services
HLT-30-18-00008-P	07/25/19	Voluntary Foster Care Agency Health Facility Licensure	To license Voluntary Foster Care Agencies to provide limited health-related services
HLT-31-18-00004-P	08/01/19	Newborn Screening for Phenylketonuria and Other Diseases	To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State
HLT-31-18-00005-EP	08/01/19	Medical Use of Marihuana	To add additional serious conditions for which patients may be certified to use medical marihuana

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-33-18-00017-P	08/15/19	Patients' Bill of Rights	Require general hospitals and diagnostic and treatment centers to update their statements of patient rights.
HLT-34-18-00006-P	08/22/19	Statewide Planning and Research Cooperative System (SPARCS)	To revise the SPARCS regulation related to data intake.
HLT-34-18-00007-P	08/22/19	New York State Medicaid Infertility Treatment	To authorize Medicaid coverage of infertility benefits.
HLT-37-18-00008-P	09/12/19	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To prohibit residential providers from excluding an applicant based solely on the individual's status as a wheelchair user.
HLT-42-18-00006-P	10/17/19	Durable Medical Equipment; Medical/Surgical Supplies; Orthotic and Prosthetic Appliances; Orthopedic Footwear	To amend the Department's regulation governing Medicaid coverage of orthopedic footwear and compression and support stockings
HLT-42-18-00007-P	10/17/19	Stroke Services	NYS criteria for stroke ctr. designation as part of an accrediting process for cert. by nationally recognized accredit. agencies
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-47-18-00002-P	11/21/19	Food Service Establishments	To restrict the use of liquid Nitrogen and Dry Ice in food preparation

JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS

JCP-31-18-00008-P	08/01/19	Protocols for interviewing service recipients	To ensure interviews of service recipients during investigations are conducted in a safe and sensitive manner.
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LABOR, DEPARTMENT OF

*LAB-47-17-00011-P	11/22/18	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more

LAW, DEPARTMENT OF

LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
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LIQUOR AUTHORITY, STATE

LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
LQR-30-18-00001-P	10/24/19	Bottle Club license updates	To update outdated Bottle Club license requirements and procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	..... exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
LPA-33-18-00018-P	..... exempt	The net energy metering and related provisions of the Authority's Tariff for Electric Service.	To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.
LPA-37-18-00009-P	..... exempt	The Authority's transmission and distribution property taxes as reflected in the Adjustments section of the Authority's Tariff.	To update the Tariff to implement an annual adjustment to recover payments in lieu of T&D property taxes.
LPA-37-18-00010-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-37-18-00011-P	..... exempt	The terms and conditions of the Authority's Tariff for Electric Service regarding customer contacts by telephone.	To implement Federal Communications Commission guidance regarding customer contacts via mobile electronic devices.
LPA-37-18-00012-P	..... exempt	The small generator interconnection procedures in the Authority's Tariff for Electric Service	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00014-P	..... exempt	The Authority's Tariff for Electric Service, Service Classification No. 7 Outdoor Area Lighting	To implement an option for high efficiency LED light bulbs and fixtures for Outdoor Area Lighting
LPA-37-18-00015-P	..... exempt	Uniform Business Practices for Distributed Energy Resource Suppliers in the Authority's Tariff for Electric Service.	To update the Tariff to implement Uniform Business Practices for Distributed Energy Resource Suppliers.
LPA-37-18-00016-P	..... exempt	The metering provisions of the Authority's Tariff for Electric Service	To implement a customer option to decline installation of a smart meter and associated fees
LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-43-18-00001-P	10/24/19	Operation of Crisis Residences in New York State	To revise and update the categories of Crisis Residences to match what is currently operation in New York
OMH-47-18-00003-P	11/21/19	Establish standards for providers who wish to become licensed Children's Mental Health Rehabilitation programs	This regulation provides a vehicle for implementing the new State Plan services
MOTOR VEHICLES, DEPARTMENT OF			
MTV-42-18-00004-P	10/17/19	FOIL - denials to access of records	To permit the Commissioner to designate another person to hear FOIL appeals other than the Chair of the Appeals Board
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-37-18-00020-P	09/12/19	Transportation Network Company Operators providing commercial ground transportation services at NFTA airports	To provide cohesive operating procedures and practices for Transportation Network Companies operating at NFTA airports
OGDENSBURG BRIDGE AND PORT AUTHORITY			
OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-48-18-00006-P	11/28/19	The regulation of pets in OPRHP facilities	To adopt one statewide pet regulation that replaces regional regulations that are inconsistent with each other
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-18-00001-ERP	02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-26-18-00003-EP	06/27/19	Eligibility of Services	The eligibility for individuals applying for OPWDD authorized services
PDD-32-18-00003-EP	08/08/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services.
PDD-45-18-00001-EP	11/07/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-18-00005-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications

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PUBLIC SERVICE COMMISSION			
*PSC-37-06-00015-P exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Conring Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-31-17-00010-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	..... exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	..... exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-46-17-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-50-17-00022-P	..... exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
PSC-51-17-00007-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
PSC-51-17-00015-P	..... exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
PSC-52-17-00014-P	..... exempt	Oversight and support of Clean Energy Fund and related NYSEDA activities	To support and monitor the deployment of clean energy technology
PSC-04-18-00003-P	..... exempt	Minor rate filing.	To consider a proposal for an increase in total annual revenues of approximately \$136,634, or 11.4%.
PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-05-18-00005-P	..... exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Pilot Programs.	To consider to make permanent the DG and NGV Pilot Programs and continue the Prime-WNY Pilot Program with modifications.
PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-07-18-00016-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Silo Ridge Condo Association to submeter electricity.
PSC-09-18-00010-P	..... exempt	Use of the Itron OpenWay Riva CENTRON Polyphase CP2SRA electric meter	To ensure that consumers bills are based on accurate measurements of electric usage
PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
PSC-13-18-00014-P	..... exempt	Commission oversight of distributed energy resource suppliers	To protect customers and utilities in the receipt of services from distributed energy resource suppliers
PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
PSC-15-18-00008-P	..... exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
PSC-19-18-00005-P	..... exempt	Whether Flanders' can market to and enroll new customers.	To protect customers by enforcing compliance with the Uniform Business Practices.
PSC-20-18-00008-P	..... exempt	Proposed major rate increase in O&R's gas delivery revenues of approximately \$4.5 million (or 1.5% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-18-00009-P	..... exempt	Proposed major rate increase in O&R's electric delivery revenues of approximately \$20.3 million (or 2.3% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-18-00044-P	..... exempt	Electric ratemaking policy for Direct Current Fast Charging (DCFC) facilities used to recharge electric vehicles.	To ensure just and reasonable rates in the context of charging electric vehicles.
PSC-22-18-00006-P	..... exempt	Intent to submeter electricity and requested waiver of the energy audit requirement	To ensure adequate submetering equipment, consumer protections, and energy efficiency protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-22-18-00007-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00008-P	..... exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiropy for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00010-P	..... exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00011-P	..... exempt	Proposed rate filing in Hudson Valley Water Companies, Inc.'s annual revenues of approximately \$24,370 or 13.0%.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-18-00014-P	..... exempt	Proposed major rate increase of approximately \$11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-24-18-00015-P	..... exempt	To determine the use of investments to be made in lieu of a penalty action.	Commission oversight of electric and gas distribution companies and safe and adequate service.
PSC-24-18-00016-P	..... exempt	Use of Artech models VCE-7 and CID-17 medium voltage class metering instrument transformers.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-26-18-00010-P	..... exempt	Change NFG's Tariff No. 9 and associated accounting issues related to the 2017 Tax Act.	Determine if NFG's proposal to provide a refund net of an equity ratio adjustment is appropriate.
PSC-26-18-00013-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-26-18-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-27-18-00005-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections
PSC-27-18-00006-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections
PSC-28-18-00004-P	..... exempt	The 2017 Outcome-based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-28-18-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-28-18-00006-P exempt	Roadmap recommendations for the installation of qualified energy storage systems.	To encourage energy storage deployment and establish a 2030 target and deployment program.

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PUBLIC SERVICE COMMISSION			
PSC-28-18-00011-P exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-28-18-00012-P	..... exempt	Transfer of certain street lighting facilities.	To transfer street lighting facilities for the benefit of ratepayers.
PSC-28-18-00013-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	..... exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-30-18-00005-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-30-18-00006-P	..... exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-18-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-31-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-18-00013-P	..... exempt	To test rate structures for SC 1 and 2 that more closely align delivery rates with the cost of providing delivery service.	To provide residential and small commercial customers the opportunity to better manage their energy costs.
PSC-32-18-00013-P	..... exempt	Energy efficiency programs and targets for investor-owned utilities.	To encourage energy conservation and the delivery and procurement of energy services by investor-owned utilities.
PSC-32-18-00014-P	..... exempt	Petition for clarification and rehearing of the Rate Order.	To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.
PSC-32-18-00017-P	..... exempt	Rules for Value Stack compensation of hybrid storage and distributed generation.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00008-P	..... exempt	Notice of intent to submeter electricity and request for waiver of the energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-18-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-18-00011-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-18-00014-P	..... exempt	Continued implementation of the Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00004-P	..... exempt	To add a definition and include provisions for Renewable Natural Gas to P.S.C. No. 9 - Gas.	To provide clarity to the operating procedures and provisions for Renewable Natural Gas.
PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00009-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00004-P	..... exempt	Update of revenue targets.	To update NYAW's revenue targets and make required balancing revisions to account for changes to the property tax targets.
PSC-36-18-00005-P	..... exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-36-18-00006-P	..... exempt	Recording of unbilled revenue.	To correct revenue target discrepancies resulting from changes in billing schedule and net billing days.
PSC-36-18-00007-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(1).	To consider a waiver of a certain regulation relating to the content of an application for transmission line siting.
PSC-37-18-00003-P	..... exempt	Service Classification No. 7 - Sale of Standby Service to Customers with On-Site Generation Facilities.	To expand eligibility to customers across multiple buildings connected to a generating facility by a private thermal loop.
PSC-37-18-00004-P	..... exempt	Acceleration of the return of tax savings to ratepayers.	To determine the timetable for returning tax savings to ratepayers.
PSC-37-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-18-00006-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-38-18-00001-P	..... exempt	Waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider not requiring living units of the facility to be metered.
PSC-39-18-00004-P	..... exempt	To establish Rider J - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
PSC-39-18-00006-P	..... exempt	To establish Rider AB - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00007-P	..... exempt	To implement enhanced safety pilot programs and energy efficiency initiatives.	To provide customers with enhanced safety and environmental benefits.
PSC-39-18-00008-P	..... exempt	Payment of fire protection costs.	To shift the costs of municipal fire protection service from the City of Rye to its residents.
PSC-39-18-00009-P	..... exempt	Authorization for one time credits to displaced customers.	To compensate displaced Con Edison ratepayers for their loss of service.
PSC-40-18-00013-P	..... exempt	Commission programs for meter service providers and meter data service providers.	To prevent confusion from maintaining unnecessary programs.
PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-18-00016-P	..... exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of Delaware is in the public interest.
PSC-40-18-00017-P	..... exempt	To modify provisions for Interruptible Gas under SC Nos. 9 and 12, P.S.C. No. 9 - Gas.	To amend certain penalties for non-compliant Interruptible Service Customers.
PSC-40-18-00018-P	..... exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4).	To ensure that adequate maps and system studies support the application.
PSC-40-18-00019-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-40-18-00020-P	..... exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-41-18-00003-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system
PSC-41-18-00004-P	..... exempt	Internal reorganization and stock transfer	To determine if the proposed reorganization and stock transfer is in the public interest and beneficial to ratepayers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-18-00005-P	..... exempt	Authorization to enter into a long-term loan agreement	For system improvements and full repayment of existing loan
PSC-42-18-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00010-P	..... exempt	Rehearing and/or reconsideration of the Tax Charges Rate Treatment Order.	To determine if the Commission was correct to require small telecom utilities to defer ongoing tax savings.
PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
PSC-42-18-00014-P	..... exempt	The disposition of a refund from NYPA to the Village of Solvay of \$733,000 for overcharge for electricity over several years.	To determine whether the proposed disposition of the NYPA refund is just and reasonable.
PSC-44-18-00008-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements.	To adopt revisions to various rules and measurements of the New York State Reliability Council.
PSC-44-18-00009-P	..... exempt	Water rates and charges.	To shift fire protection costs from the Town to its residents' water bills.
PSC-44-18-00010-P	..... exempt	Interruptible/Temperature Controlled gas service Collaborative report recommendations and tariff changes.	To consider the terms and conditions applicable to interruptible and temperature controlled gas service.
PSC-44-18-00011-P	..... exempt	Modifications to electric supply reconciliation mechanism.	To improve the reconciliation of supply-related costs for hourly-priced customers.
PSC-44-18-00012-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00014-P	..... exempt	Waiver of PSC regulations, 16 NYCRR sections 86.3(a)(1), (a)(2) and (b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-44-18-00015-P	..... exempt	Con Edison's petition for the Non-Pipeline Solutions Portfolio and associated budget.	To pursue projects that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00003-P	..... exempt	Eliminating a financial incentive for utility performance, the interconnection earnings adjustment mechanism	To consider encouraging utility performance while creating customer savings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-18-00004-P	..... exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	..... exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-18-00013-EP	..... exempt	Acquisition of cable television assets and franchises.	To ensure continued service to Hamilton County Cable customers.
PSC-47-18-00004-P	..... exempt	Ampersand Cranberry Lake Hydro LLC's 500kw hydroelectric facility in the Town of Clifton, New York.	To promote and maintain renewable electric energy resources.
PSC-47-18-00005-P	..... exempt	Waiver of certain rules pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-47-18-00006-P	..... exempt	Modification of NMPC Estimating Metric project list.	To reflect an appropriate Estimating Metric project list for NMPC.
PSC-47-18-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-48-18-00005-P	..... exempt	Purchase of gas safety equipment for Westchester County fire departments	To provide Westchester County fire departments gas safety equipment they state they need to respond to odor reports
PSC-49-18-00006-EP	..... exempt	Appointment of a temporary operator.	To determine if a temporary operator is needed to ensure the safe and adequate provision of water service.
STATE, DEPARTMENT OF			
DOS-36-18-00008-P	..... 11/08/19	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions for diaper changing stations in certain buildings.
STATE UNIVERSITY OF NEW YORK			
SUN-44-18-00003-P	..... 10/31/19	Proposed amendments to the traffic and parking regulations at State University College at Oneonta	Amend existing regulations to update traffic and parking regulations
SUN-49-18-00008-P	..... 12/05/19	University Faculty Senate	To clarify that the vice-president/secretary of the University Faculty Senate ("UFS") shall be a voting member of the UFS
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-40-18-00001-P	..... 10/03/19	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-48-18-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2019 through March 31, 2019
TAF-48-18-00004-EP	..... 11/28/19	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2019
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-12-18-00004-P	..... 03/21/19	Reengagement/conciliation and sanction procedures for employment programs	To implement statutory changes relative to public assistance (PA) reengagement/conciliation and sanction procedures
TDA-41-18-00002-EP	..... 10/10/19	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18
TDA-49-18-00009-EP	..... 12/05/19	Outreach, Homeless Services Plans and Outcome Reporting	To promote effective planning and strategic use of resources by social service districts
TRANSPORTATION, DEPARTMENT OF			
TRN-47-18-00001-P	..... 11/21/19	Regulation of transportation of hazardous materials by commercial motor carriers in New York State	Corrects omissions in State regulations associated with Title 49 CFR provisions related to transport of hazardous materials
WORKERS' COMPENSATION BOARD			
WCB-52-17-00021-RP	..... 03/27/19	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-23-18-00004-P	..... 06/06/19	Fees for Medical Testimony	To increase fees for medical testimony and eliminate fee reductions for multiple appearances as this provision is not used
WCB-23-18-00005-RP	..... 06/06/19	Medical Fee Schedules	Update the fees paid for medical treatment in workers' compensation claims
WCB-49-18-00010-P	..... 12/05/19	Pharmacy Fee Schedule	Update the pricing methodology for prescription drugs

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Chauner Securities, Inc.
666 Dundee Rd., Suite 903, Northbrook, IL 60062
State or country in which incorporated — Illinois

Clear Haven 2018 I, LLC
530 W. 149th St., New York, NY 10031
State or country in which incorporated — Delaware

Emerald Acquisitions 2018, LLC
75 14th St., Suite 2250, Atlanta, GA 30309
Partnership — Emerald Acquisitions Manager, LLC

Emmett Partners, LP
79 Madison Ave., New York, NY 10016
Partnership — Emmett GP, LLC

GT Medical Technologies, Inc.
1809 S. Holbrook Lane, Suite 107, Tempe, AZ 85281
State or country in which incorporated — Delaware

HealthPartners, Inc.
8170 33rd Ave. S, Minneapolis, MN 55425
State or country in which incorporated — Minnesota

HITE Carbon Offset LP
c/o HITE Hedge Capital LLC, 300 Crown Colony, Quincy, MA 02169
Partnership — HITE Hedge Capital LP

Janchor Partners Pan-Asian Fund
c/o Janchor Partners Limited, 1608, One Exchange Square, Central,
Hong Kong
Partnership — Cayman Islands

Janchor Partners Pan-Asian U.S. Feeder Fund
c/o Janchor Partners Limited, 1608, One Exchange Square, Central,
Hong Kong
Partnership — Cayman Islands

Kisolite Corp.
#9 - 45905 Yale Rd., Unit 359, Chilliwack, BC V2P 8E6 Canada
Partnership — Canada

Lone Star Residential Mortgage Fund II, L.P.
Washing Mall, Seven Reid St., Suite 304, Hamilton, Bermuda HM 11
Partnership — Lone Star Residential Mortgage Partners II, L.P.

PAG Asia III LP
c/o International Corporation Services Ltd., Box 472, 2nd Fl., Harbour
Place, 103 S. Church, George Town, Grand Cayman, KY1-1106, Cay-
man Islands
Partnership — PAG Asia Capital GP III Limited

ParkerGale Capital II, LP
159 N. Sangamon St., 4th Fl., Chicago, IL 60607
Partnership — ParkerGale Management II, LP

Passco Captial, Inc.
2050 Main St., Suite 650, Irvine, CA 92614
State or country in which incorporated — California

PD Elliott Holdings, LLC
3100 McKinnon St., Suite 250, Dallas, TX 75201
State or country in which incorporated — Texas limited liability
company

Phosplatin Therapeutics, LLC
1350 Avenue of the Americas, 3/F, New York, NY 10019
State or country in which incorporated — Delaware

Rohdea Fund
c/o Janchor Partners Limited, 1608, One Exchange Square, Central,
Hong Kong
State or country in which incorporated — Cayman Islands

Rohdea U.S. Feeder Fund
c/o Janchor Partners Limited, 1608, One Exchange Square, Central,
Hong Kong
State or country in which incorporated — Cayman Islands

Sage Oak ALF of Louisiana, LLC
3824 Cedar Springs Rd., #512, Dallas, TX 75219
State or country in which incorporated — Wyoming

SMPI Sardinia SPV LLC
30 N. Gould St., Suite 2414, Sheridan, WY 82801
State or country in which incorporated — Wyoming

Xtraction Services, Inc.
1570 Highway 50, Suite 230, Clermont, FL 34711
State or country in which incorporated — Delaware

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services

1220 Washington Ave.
State Campus, Bldg. 7A
Albany, NY 12242

NON-PROFIT NONPUBLIC SCHOOLS, NON-PROFIT DAYCARE
CENTERS AND NON-PROFIT CULTURAL MUSEUMS LO-
CATED WITHIN NEW YORK STATE

**State Fiscal Year 2018-19 Securing Communities Against Hate
Crime (SCAHC)**

Description:

Request for Applications (RFA) will be accepted for State funding made available by Governor Andrew Cuomo and administered by the NYS Division of Homeland Security and Emergency Services (DHSES). Each Applicant may apply for up to \$50,000 per facility, eligible organizations may submit up to three applications for a maximum total request of up to \$150,000 allowed per organization. There is a total of approximately \$10.1 million Statewide in funding available under this grant program and funds will be awarded competitively based on the submission of applications by eligible non-profit organizations located within New York State.

Funding will be awarded to support safety and security activities to non-profit nonpublic schools, non-profit daycare centers including those housed in community centers and non-profit cultural museums as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that are at high risk of a hate crime due to their ideology, beliefs, or mission and are located within New York State. The program seeks to provide safety and security measures for these organizations to assist in mitigating risk/vulnerabilities as identified in their application.

Applications will be accepted until December 19, 2018 at 5:00 p.m. through the New York State Division of Homeland Security and Emergency Services' (DHSES) electronic grants management system (E-Grants).

The RFA and other required documents can be found at: <http://www.dhSES.ny.gov/grants/nonprofit/hate-crimes.cfm>

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the "Adirondack Lakes Cuisine Trail," described as:

"Beginning at the intersection of NY-30/Wawbeek Avenue and CR-44 in town of Tupper Lake head North on Wawbeek Ave for 5 miles and turn right onto NY-30 North/Park Street and continue on NY-30 for 5.70 miles and turn left to stay on NY-30 North and continue for 14.2 miles towards the town of Lake Clear and turn left to stay on NY-30 North and continue 6.80 miles towards the town of Paul Smiths and turn right onto NY-86 East and continue 11.8 miles towards the town of Saranac Lake and continue 1611 feet through the town onto Main Street ending at the intersection of Main Street and River Street"

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the "Ausable Valley Cuisine Trail," described as:

"Beginning at the intersection of NY-3/ River Street and Main Street in Saranac Lake continue East for 4 miles and veer right onto Lake Flower Avenue for 1.2 miles continuing onto NY-86 East/ Sara Placid Road for 8.2 miles thru the village for Lake Placid and turn right onto Sentinel Road and continue for 14.2 miles onto NY-73/Cascade Road towards the town of Keene and turn left onto NY-9N North and continue towards the town of Ausable Forks for 15.7 miles and turn right onto NY-9N North/ E Ausable Street and continue towards the town of Keeseville for 11.7 miles"

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the "Boquet Valley Cuisine Trail," described as:

"Beginning at the intersection of NY-9N and NY-22 in the town of Westport (6512 Main Street, Westport, NY) travel Northeast on NY-9N North/Main Street for 3.95 miles and turn right onto NY-59/ Youngs Road and continue for 2.58 miles towards the town of Wadhams and turn right onto NY-8/Elizabethtown-Wadhams Road for 571 feet and turn left onto NY-22 North and continue towards the town of Essex for 9.34 miles and continue left to stay on NY-22 North for 9.40 miles through the town of Willsboro and turn right onto Highland Road and continue for 7.49 miles and merge onto Port Douglas Road and continue for 2.72 miles and right onto the intersection Front Street and Main Street in the town of Keeseville."

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the "Champlain Valley Cuisine Trail," described as:

"Beginning at the intersection of NY-74 and Fort Road in the town of Ticonderoga, head west for 1.24 miles towards NY-22 N and continue right onto NY-22 for 5 miles and continue right onto Essex County 43/ Rogers Street / Shore-Airport Road for 4.10 miles and continue right onto NY-22/NY9N North for 21.8 miles."

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the "Champ's Cuisine Trail," described as:

"Beginning at 675 Cornelia Street/NY-3 near NY-190/Military Turnpike in the town of Plattsburgh travel east on Cornelia Street for 3.18 miles and veer right onto Miller Street for 141 feet and turn left onto City Hall Place which turns into Cumberland Ave for 95 miles. Turn right onto US 9 South/N Margaret Street and continue for 5.11 miles and turn right onto Point Au Rouché Road/CR-22 and continue 1.67 miles. Turn left onto Lake Shore Road and continue for 13 miles towards the town of Chazy and turn right onto NY-9B East/Lake Street

for 4.41 miles and turn left onto US-11 South/Champlain Street towards the town of Champlain. Continue for 4.18 miles and turn right onto U.S 9 North / Main Street for 1.07 miles and turn left onto Locust Street and continue for 3.1 miles onto Perry Mills Road and turn slight right onto N Star Road and continue 4.15 miles to the intersection of Hemmingford Road and N Star Road in the town of Mooers.”

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Agriculture and Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the “North Country Cuisine Trail,” described as:

“Beginning in the town of Keeseville at the intersection of NY-22/ Front Street and Main Street travel North on Front Street for 1112 feet and turn right onto U.S 9 North/N Ausable Street and continue 5.28 miles and turn left onto NY-441/ Bear Swamp Road and continue 3.93 miles and turn right onto NY-22N/Main St and continue for 1.84 miles and turn left onto Military Turnpike and continue for 14.7 miles towards West Chazy and turn right onto Recore Road/ CR-24 and continue for 2.26 miles until Recore Road turns into W Church Street and continue for 1.54 miles and turn left onto NY-22 North and continue for 10.6 miles and turn left onto Main Street for 285 miles and turn right onto Hemmingford Road and continue for 1.86 miles to the intersection of Hemmingford Road and N Star Road in the town of Mooers.”

For further information, please contact: Marcy Gotzmer, Agricultural Development, Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457-2716 (FAX)

PUBLIC NOTICE

Department of Health

The New York State Department of Health is submitting a request to the federal Centers for Medicare and Medicaid Services (CMS) to amend the Medicaid Redesign Team (MRT) Plan.

Beginning no earlier than July 1, 2019, New York is seeking approval with this demonstration amendment to:

Extend the Certified Community Behavioral Health Clinic (CCBHC) demonstration beyond the end of the federal demonstration period (6/30/19) to further evaluate the program model efficacy for the delivery of behavioral health services. This authority will allow the 13 existing CCBHC programs (listed below) included in New York’s demonstration to maintain the CCBHC program model and payment structure in accordance with the standards established in the Excellence in Mental Health Act.

Beginning July of 2017, New York State launched 13 new comprehensive programs for individuals with behavioral health conditions authorized by the Federal demonstration. CCBHCs provide the opportunity to improve New York State’s behavioral health systems through the provision of community-based mental health and substance use disorder treatment that further integrates behavioral and physical health care while utilizing evidence-based practices and improving access to high quality care.

CCBHCs provide a comprehensive range of mental health and substance use disorder services:

- Crisis mental health services including 24-hour mobile crisis teams, emergency crisis intervention and crisis stabilization
- Outpatient mental health and substance use services
- Screening, assessment and diagnosis including risk management
- Primary care screening and monitoring
- Targeted case-management
- Psychiatric rehabilitation services

- Peer support, counseling services, and family support services
- Services for members of the armed services and veterans

List of 13 CCBHC Programs by Region

Central New York:

Syracuse Brick House, Inc d/b/a Helio Health – Onondaga County

Finger Lakes:

University of Rochester – Monroe County

Long Island:

Central Nassau Guidance & Counseling Services (CN Guidance) – Nassau County

Mid-Hudson:

Bikur Cholim Inc. – Rockland County

North Country:

Citizens Advocates, Inc. North Star Behavioral Health Services – Franklin County

NYC:

New Horizon Counseling Center – Queens County

Samaritan Daytop Village – Bronx County

Services for the Underserved, Inc (SUS) – Kings County

Promesa – Bronx County

VIP Community Services – Bronx County

Western New York:

Best Self (Lake Shore Behavioral Health, Inc) – Erie County

Spectrum Human Services – Erie County

Endeavor (Mid-Erie Mental Health Services, Inc) – Erie County

Additional information concerning the MRT Waiver and any amendment requests can be obtained by writing to: Department of Health, Office of Health Insurance Programs, One Commerce Plaza, 99 Washington Ave., Attention: Waiver Management Unit (Suite 1208), Albany, NY 12237 or by e-mail: 1115waivers@health.ny.gov

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.

MRT Waiver information is also available to the public on-line at https://www.health.ny.gov/health_care/medicaid/redesign/medicaid_waiver_1115.htm

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to Title 3, Article 49 of the Environmental Conservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives public notice of the following:

Notice is hereby given, pursuant to Section 49-0305 (9) of the Environmental Conservation Law, of the Office of Parks, Recreation and Historic Preservation’s intent to acquire a Conservation Easement from the Finger Lakes Land Trust, Inc. over certain lands located at 4393 Sam Adams Lane, Town of Niles, in the County of Cayuga and the State of New York.

For further information contact: Robert F. McCune, Real Estate Specialist 1, Office of Parks, Recreation and Historic Preservation, Albany, NY 12238, (518) 408-1427, Robert.mccune@parks.ny.gov

PUBLIC NOTICE

Department of State

F-2018-0750

Date of Issuance – December 5, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New

York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0750SagHarborDevelopmentHoldings.pdf>

In F-2018-0750, or the "Sag Harbor Development Holdings Residential Development", the applicant – Sag Harbor Development Holdings – proposes to subdivide the subject property into two tax parcels. One of the two parcels is in the process of submission to the Village of Sag Harbor for a proposed waterfront public park. On the remaining parcel, the applicant proposes the demolition of an existing vacant three story residential building and the redevelopment of a three unit residential condominium with partial subgrade parking and associated amenities. The remnants of the existing former docking facility will be replaced with a new seven-slip dock and portions of the existing revetment will be replaced with a new bulkhead. A net 537± square foot increase of tidal wetlands/waters of the United States will occur as a result of the proposed action. The project is located at Two West Water Street and One, Three and Five Ferry Road, in the Village of Sag Harbor, Suffolk County. The application states purpose of the project is to "redevelop an unoccupied and underutilized waterfront site containing vacant and dilapidated buildings with a new residential use and associated amenities. A further purpose is to improve flood and erosion controls at the site through replacement of portions of an existing dilapidated revetment with a new bulkhead."

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, December 15, 2018.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2018-1085

Date of Issuance – December 5, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent to the maximum extent practicable with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2018-1085, the applicant, Cornell Cooperative Extension (CCE) of Suffolk County, a non-profit organization, is proposing to install a seawater intake system at Cedar Beach County Park in Suffolk County to provide a high quality seawater supply to a new shellfish hatchery at the Suffolk County Marine Environmental Learning Center, 3690 Cedar Beach Road, Town of Southold, NY. Water will be drawn from the Shelter Island Sound (a/k/a Noyack Bay). The project is in support of the Long Island Shellfish Restoration Project (LISRP).

The proposed system shall consist of a 3-foot wide by 300 feet long intake pipeline buried approximately 3.5 feet below existing grade extending seaward to a 3-foot wide by 200 foot long jetted intake line made up of four (4) 4 inch diameter plastic pipes buried approximately 3.5 feet below existing grade. The proposed structures will extend approximately 137 linear feet from the mean low water line into Shelter Island Sound. Approximately 100-133 cubic yards of material will be excavated and used to refill the trench as the lines are laid out. Trench-

ing is expected to be completed in a single day. HDPE line installation will result in approximately 10-15 feet of HDPE line extending out of the bay bottom into the water column at an estimated depth of 10 feet below mean low water.

Operation of the seawater intake lines will see two lines active at any given time. Calculated peak usage flow rate to supply the hatchery and seasonal ancillary needs would be 550 gallons per minute (gpm). Year-round operation of the shellfish hatchery will require 50-100 gpm. Seawater discharged from the hatchery's oyster settlement tanks and upweller system will discharge into the Cedar Beach Creek and will have passed through thousands of oysters and clams prior to entering Cedar Beach Creek and is expected to have a beneficial impact on water quality in the creek. The water temperature of the discharge will be lower than the ambient summer water temperature in the creek, potentially mitigating thermal stress and dissolved oxygen issues seasonally experienced by resident marine fauna.

The project site is located within a State-designated Significant Coastal Fish and Wildlife Habitat (SCFWH) – Cedar Beach Point. More information regarding this designation and the specific habitat values may be found at:

https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Cedar_Beach_Point.pdf

<https://www.dos.ny.gov/opd/programs/consistency/scfw/habitats.html>

The proposed activities would be undertaken within the Town of Southold Local Revitalization Program (LWRP) planning area. As the LWRP is a component of the NYSCMP, activities under federal permitting authority are also subject to review for their consistency with the local program and its specific provisions and policies. More information regarding the LWRP and its policies may be found at:

https://docs.dos.ny.gov/opd-lwrp/LWRP/Southold_T/Index.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or December 20, 2018.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Comments can also be submitted electronically via e-mail to: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2018-1156

Date of Issuance – December 5, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent to the maximum extent practicable with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2018-1156, the applicant, Greenpoint Monitor Museum (GMM), a non-profit organization, is proposing to construct a "living shoreline" along the seaward edge of its property in Brooklyn, involving placement of fill materials landward of the spring high tide line. The 2.26 acre property is located at 56 Quay Street, Brooklyn, Kings County, along the East River at Bushwick Inlet. The present shoreline is comprised of anthropogenic fill materials from various debris and the remnants of former piers.

The project is proposed as an erosion control measure at the site which is potentially to be developed at a future date as a museum and education center with dock space for a National Oceanic and Atmospheric Administration U.S.S. Monitor National Marine Sanctuary research vessel. As part of the living shoreline construction, debris would first be removed, consisting of the removal of 460 cubic yards of material below mean high water. Debris removal would be followed by the placement of 590 cubic yards of concrete fill below mean high water. The proposed eco-concrete would be in the form of several eco-concrete panels affixed to steel sheet piles, comprising "habitat panels", installed with the goal of encouraging colonization by marine fauna. The scope of work proposed includes placement of a drainage pipe and outfall to be capped and is intended to accommodate future storm water conveyances after such time that the museum is constructed.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or December 20, 2018.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Comments can also be submitted electronically via e-mail to: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2018-1208 (DA)

Date of Issuance – December 5, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The U.S. Army Corps of Engineers - Buffalo District (ACOE) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2018-1208 (DA), the ACOE is proposing reissuance of Regional Permits 79-000-3 to construct and maintain boathouses and 87-000-13 for the placement of fill in existing boat slips and boats wells that have been excavated into previously dry upland property in water of the United States within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo. The purpose of the proposed is to improve efficiency for the regulated public and government alike without compromising the environmental values or the needs and welfare of the general public.

According to the information submitted to DOS, the proposed changes to the above Regional Permits consists of:

Minor changes which are intended to make the document and procedures more clear to the general public (e.g., transfer requirements, etc.).

The proposed Regional Permits are available on the Buffalo District U.S. Army Corps of Engineers website:

<https://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, December 18, 2018.

Comments should be addressed to: Department of State, Consistency Review Unit, One Commerce Plaza, 99 Washington Ave., Suite

1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572. Comments can also be submitted electronically via email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2010-0012 In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning egress stairways railings. Involved is alteration of a existing stairways at the 125th Street Station of The Lexington Line, City of New York, Borough of Manhattan, County of New York, State of New York.

2010-0017a In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning headroom obstructions via protruding objects. Involved is alteration of a duct work at Lexington Avenue and 53rd Street Station, City of New York, Borough of Bronx, County of Bronx, State of New York.

2010-0017b In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning headroom obstructions via protruding objects. Involved is alteration of a duct work at Allerton Avenue Station, City of New York, Borough of Bronx, County of Bronx, State of New York.

2010-0017c In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning headroom obstructions via protruding objects. Involved is alteration of a duct work at the Pelham Parkway Station, City of New York, Borough of Bronx, County of Bronx, State of New York.

2010-0017d In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning headroom obstructions via protruding objects. Involved is alteration of a light fixtures at the Bronx Park East Station, City of New York, Borough of Bronx, County of Bronx, State of New York.

2010-0018 In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning headroom obstructions via protruding objects and egress stairways. Involved is alteration of a various spaces at the Lexington Avenue and 53rd Street Station, City of New York, Borough of Manhattan, County of New York, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance / Appeal Petitions

2018-0485 KTM Martelli, 42 N. Main St., 2nd Fl., Port Chester, NY 10573 matter of a variance for a dwelling owned by Pedro Rodriguez, 3459 Strang Blvd., Yorktown, NY 10598 for basement ceiling height.

2018-0554 James Nixon Architecture, 1511 Route 22, Suite 321, Brewster, NY 10509 matter of a variance for Energy Conservation Code for a dwelling owned by Jeanne Laluna, 2212 Route 22, Patterson, NY 12563.

2018-0555- James J. Annunziata, 24 Chesley Road, White Plains, NY 10605 matter of a variance for a dwelling owned by Joan O'Shea, 189 Longview Drive, White Plains, NY 10605 for space required in Fire Code of NYS for toilet location.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0528 Matter of Pellicano's Marketplace located at 3328 Niagara Falls Boulevard, Town of Wheatfield (Niagara County), NY, for a variance concerning distance from fire hydrant. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0529 Matter of Delaware Commodore Apartments located at 1240 Delaware Avenue, City of Buffalo (Erie County), NY, for a variance concerning separate electric meter. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0530 Richard Mann Elementary School located at 1366 Waterford Road, Town of Walworth (Wayne County), NY, for a variance concerning swimming pool alarm requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0537 Matter of Rella Restaurant located at 181 Monroe Avenue, City of Rochester (Monroe County), NY, for a variance concerning bathroom requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0538 Matter of Marion Central School District Junior Senior High located at 4034 Warner Road, Town of Marion (Wayne County), NY, for a variance concerning fire wall requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0547 Matter of Fathergill Building located at 183 South Main Street, City of Canandaigua (Ontario County), NY, for a variance concerning egress travel distance. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0548 Matter of Chandler Street Brewery located at 166 Chandler Street, City of Buffalo (Erie County), NY, for a variance concerning access to public way. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0549 Matter of Frank E Van Lare Water Resource Recovery Facility located at 1574 Lake Shore Boulevard, City of Rochester (Monroe County), NY, for a variance concerning sprinkler system requirements. (Board Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0553 In the matter of Whiteman, Osterman & Hanna, LLP, Javid Afzali, Esq., One Commerce Plaza, Albany, NY 12260 for Syracuse University, 900 South Crouse Avenue, Syracuse, NY concerning safety requirements including a variance to omit swimming pool and spa alarms.

Involved are alterations and an addition to an existing educational occupancy, three stories in height, known as "Barnes Center @ The Arch" located at 150 Sims Drive, City of Syracuse, County of Onondaga, New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0556 Matter of St James Eposcopal Church located at 405 East Main Street, City of Batavia (Genesee County), NY, for a variance concerning Chair lift requirements. (Routine Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

2018-0557 Gotham Design and Community Development, 329 Broadway, Dobbs Ferry, NY 10522 matter of a variance for a dwelling owned by Douglas and Susan Sills, 14 Rayson Lane, Dobbs Ferry, NY 10522 for a minimum ceiling height.

2018-0558 Pelli Clark Pelli Architects, 1056 Chapel Street, New Haven CT, 06510 matter of a variance for business Ashai Shuzo Sake Brewery Co., Five St Andrews Road, Hyde Park, NY 12538, owned by Ashai Shuzo International Co. LTD. 2167-4 Shutomachi Osogoe, Iwakunishi, Japan concerning square footage for liquid storage capacity, IBC 507.8.1.1.2

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0562 Matter of Avanti Mansion located at 4409 South Park Avenue, Town of Hamburg (Erie County), NY, for a variance concerning sprinkler systems. (Board Variance).

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2018-0566 Matter of MCD Downtown, LLC located at 50 Autumn Creek Court, Town of Amherst (Erie County), NY, for a variance concerning flood hazard elevation requirements. (Routine Variance).

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: October 1-31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Inflection Energy (PA), LLC; Pad ID: Hillegas Well Pad, ABR-201308017.R1; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 11, 2018.

2. Inflection Energy (PA), LLC; Pad ID: Bennett Well Pad, ABR-201308015.R1; Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2018.

3. Cabot Oil & Gas Corporation; Pad ID: PavelskiJ Pad 1, ABR-201810001; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2018.

4. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 594 (02 200), ABR-201810002; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 22, 2018.

5. Chief Oil & Gas LLC, Pad ID: HEMLOCK RIDGE ESTATES UNIT PAD; ABR-201810003; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 24, 2018.

6. ARD Operating, LLC; Pad ID: Lycoming H&FC Pad F; ABR-201309015.R1; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 26, 2018.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 14, 2018.

Stephanie L. Richardson,
Secretary to the Commission.

EXECUTIVE ORDERS

Executive Order No. 147.18: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Barbara D. Underwood, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.14 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(f) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to or in any way connected with the death of Robert L. Scott on May 20, 2018, in Wayne County.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this Thirteenth day of November in the year two thousand eighteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 147.19: A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Barbara D. Underwood, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.19 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation, and if warranted, prosecution:

(f) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to or in any way connected with the death of Edwin William Garcia Lopez on May 27, 2018, in New York County.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this Thirteenth day of November in the year two thousand eighteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

Executive Order No. 168.18: Continuing the Declaration of a Disaster Emergency in the Five Boroughs of New York City and the

Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until December 13, 2018; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this Thirteenth day of November in the year two thousand eighteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo
 /s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 190: Incorporating Health Across All Policies into State Agency Activities.

WHEREAS, it is well documented that social factors, including the conditions in which people are born, grow, work, live, play, and age, and the wider set of forces and systems shaping the conditions of daily life, have a tremendous impact on the health and well-being of all people;

WHEREAS, policies related to the environment, agriculture, housing, transportation, energy, parks and recreation, and economic development all significantly influence the public's physical, economic, and social environments; in which principles of smart growth and sustainable development directly support improved health outcomes and age-friendly communities;

WHEREAS, the Health Across All Policies initiative systematically considers the health implications of decisions made by all government entities regarding public policies; avoids harmful health impacts in order to improve population health and health equity; and incorporates health considerations into policies, programs, and initiatives led by non-health agencies;

WHEREAS, it is the policy of the State of New York that all State government entities advise and assist the Governor in developing policies designed to help meet the needs of residents of the State of New York and to encourage the health, safety, and well-being of those residents;

WHEREAS, through the efforts of the State government entities and others, New York State was designated as the first Age-Friendly State in the nation by the American Association of Retired Persons (AARP). This designation was based on the Eight Domains of Livability outlined by The World Health Organization (WHO) as follows: 1) Outdoor Spaces and Buildings; 2) Transportation; 3) Housing; 4) Social Participation; 5) Respect and Social Inclusion; 6) Civic Participation and Employment; 7) Communication and Information; and 8) Community and Health Services;

WHEREAS, New York's designation as the first Age-Friendly State in the nation will bring increased attention to the Health Across All Policies initiative and the State's consideration of the impact of State policies and procedures on environmental, economic, and social factors to influence the health and well-being of all residents, especially older adults; and

WHEREAS, the Prevention Agenda, New York State's health improvement plan for improving health outcomes and reducing health disparities in and amongst racial, ethnic, disability, and low socioeconomic groups, as well as the populations who experience such disparities, has provided a blueprint that enabled the State to make substantial progress across numerous measures of public health and prevention.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, and more specifically, Article IV, Section 1 of the New York State Constitution do hereby order and direct as follows:

1. As used herein, "Affected State Entities" means (i) all agencies and departments over which the Governor has executive authority, and (ii) all public benefit corporations, public authorities, boards, and commissions for which the Governor appoints the Chair, the Chief Executive, or the majority of the Board Members, except for the Port Authority of New York and New Jersey.

2. All Affected State Entities shall incorporate the New York State Prevention Agenda priorities and the WHO Eight Domains of Livability, where practicable and feasible, into State Plans, plans submitted to the federal government, as well as agency guidance, policies, procedures, and procurements, with guidance from the Health Across All Policies Ad Hoc Committee in order to further the goals of the Health Across All Policies initiative declared in the 2017 State of the State.

3. All Affected State Entities shall consider how best to incorporate the New York State Prevention Agenda's priorities and the WHO Eight Domains of Livability when preparing contract solicitations, grants, submitting plans to a Federal Agency or entity, or developing State Plans under the applicable statutory and administrative criteria, where practicable and feasible. For appropriate best value procurements where price is not the determining factor, an Affected State Entity shall consider structuring the procurement to allow the award of additional technical points for proposals that address the State's Prevention Agenda priorities and the WHO Eight Domains of Livability based upon set evaluative criteria.

4. To achieve the foregoing:

A. On or after January 1, 2019, Affected State Entities shall, where practicable and feasible, include in solicitations for best value procurements and grants where price is not the determining factor, a provision requiring contractors to describe how their proposals can improve community health and wellness in their execution of the contract, agreement and/or procurement, such as, promoting age-friendly job creation and economic stability, transportation mobility, and the ability to leverage investments that can have complementary benefits in more than one area;

B. Each Affected State Entity shall achieve this goal by incorporating, where practicable and feasible, the following considerations into the development of policies, guidance, regulations, and proposed legislation:

i. Opportunities for improved alignment and coordination of the New York State Prevention Agenda and age-friendly-related programs and policies across all State entities and among public and private partners;

ii. The impact on the ability of individuals to continue living in their communities in a manner consistent with their abilities and values;

iii. The opportunities for civic engagement and how to expand them;

iv. Strengthening infrastructure for home and community-based services;

v. Approaches that build toward a future in which every New Yorker can enjoy wellness, longevity, and quality of life in strong, healthy communities;

vi. Each community's special strengths in technology, innovation, research, health care, and business, and how those strengths may be leveraged to support healthy aging and the work of family caregivers;

vii. The inclusion of healthy and age-friendly communities in programs that support community design, planning, zoning and development;

viii. Promotion of caregiver support;

ix. The provision of cost-effective, high quality services to New York residents, especially older adults, adults with disabilities, and their caregivers; and

x. Increased consumer accessibility to health and supportive services.

C. Within 30 days after the date of this Order, each Affected State Entity shall designate a Health Across All Policies Coordinator, who shall:

i. Be a liaison with the Health Across All Policies Ad Hoc Committee; and

ii. Be responsible for that Affected State Entity's compliance with this Order.

D. All other government entities within New York State are encouraged to undertake similar consideration in their contracting, agreements, and procurements.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourteenth day of November in the year two thousand eighteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

APPENDIX

The following letter was filed with the Assessment of Public Comment for the Notice of Adoption pertaining to Industrial

Development Agencies and Authorities (IDAs), I.D. ABO-34-18-00005-A, published in this issue of the *State Register*.

COMMITTEE ON OPEN GOVERNMENT

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-2518
FAX: (518) 474-1927
WWW.DOS.NY.GOV/COOG/

COMMITTEE MEMBERS

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PETER D. GRIMM
M. JEAN HILL
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CHAIRPERSON

FRANKLIN H. STONE

EXECUTIVE DIRECTOR

ROBERT J. FREEMAN

September 25, 2018

Mr. Jeffrey H. Pearlman
Director
Authorities Budget Office
P.O. Box 2076
Albany, New York 12220

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the information presented in your correspondence, except as otherwise indicated.

Dear Mr. Pearlman:

I have received your letter in which you focused on regulations proposed by the Authorities Budget Office "that would create greater transparency of industrial development agencies by requiring them to conspicuously post blank project information request forms and approved project agreements and attachments, on their statutorily required websites." You added that the proposed regulations are "supported by existing statutory law" but that arguments have been made in opposition. Specifically, you wrote that "the testimony from the NYS Economic Council (NYS EDC) that certain contents of the uniform project agreement may contain sensitive information that IDAs and project applicants may not want to disclose."

You have requested an advisory opinion relative to the proposed regulations and the concerns raised by the NYS EDC. In this regard, I offer the following comments.

In my view, the content of the proposed regulations consists largely of a restatement of statutory requirements, particularly those found in subdivisions (4), (5) and (6) of §859-a of the General Municipal Law. Many aspects of the regulations involve the posting of criteria used by an IDA in considering an application and policies that must be adopted to comply with law. Significantly and in a manner generally consistent with the intent of the regulations is §875(7) of the General Municipal Law, which provides in part that:

"In addition to any other reporting or filing requirements an IDA has under this article or other law, an IDA shall also report and make available on the internet, without charge, copies of its resolutions and agreements appointing an agent or project operator or otherwise related to any project it establishes. It shall also provide, without charge, copies of all such reports and information to a person who asks for it in writing or in person."



Department
of State

Mr. Pearlman
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Among the reporting requirements is the obligation to post on an IDA website detailed information regarding any project that has been approved. Subdivision (6) of §859-a requires each IDA to “develop a uniform agency project agreement that sets forth the terms and conditions under which financial assistance shall be provided.” Paragraphs (a) through (g) of that provision are essentially duplicated in Part 250.1(c) of the proposed regulations, which deals with “the completed, developed uniform authority project agreement...that sets forth terms and conditions under which financial assistance shall be provided.” As I understand §859-a(6) coupled with 875(7) of the General Municipal Law, a final agreement must be posted on the IDA’s website.

The only instance in which the records relating to the process of reviewing and eventually approving requests for financial assistance by the IDA might be withheld is found in the last sentence of subdivision (7) of §875. That provision states that: “The IDA may, at the request of its agent or project operator delete from any such copies posted on the internet or provided to a person described in the prior sentence portions of its records that are specifically exempted from disclosure under article six of the public officers law”, which is the Freedom of Information Law (FOIL). The exception to rights of access most commonly asserted by IDA’s in my experience is §87(2)(d) of FOIL, which authorizes an agency to withhold records or portions of records that “are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.”

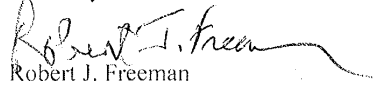
That provision clearly would not apply to much of the material that the regulations require to be posted online, such as blank forms, policies or criteria developed or used by IDA’s in carrying out their duties. Any such records would pertain to processes generally and not to a particular request for assistance or a specific commercial entity. In most instances in which §87(2)(d) is relevant in relation to IDAs’ functions, a request relates to materials sought prior to any final action or approval. Even in that situation, the ability to rely on that exception is narrow.

FOIL is based on a presumption of access, and when a denial of a request for records is challenged in court, the agency has the burden of defending secrecy. In a decision rendered by the Court of Appeals concerning a denial based on §87(2)(d), it was found that the entities resisting disclosure “failed to meet their burden” and that “the evidence suggesting that they will suffer a competitive disadvantage is theoretical at best.” The Court concluded that “To meet its burden, the party seeking exemption must present, specific, persuasive evidence that disclosure will cause it to suffer a competitive injury; it cannot merely rest upon a speculative conclusion that disclosure might potentially cause harm” *Markowitz v. Serio*, 11 NY 3d 43 (2008).

In sum, as I interpret the proposed regulations, the requirements involving posting on the internet relate either to generic procedures, forms and policies or to completed approved agreements that are required to be disclosed pursuant to §875(7) of the General Municipal Law. That being so, I believe that the regulations are consistent with law and require posting of records and information that would be accessible to the public pursuant to FOIL or other statutory requirements dealing with records involving the functions of IDA’s.

I hope that I have been of assistance.

Sincerely,


Robert J. Freeman
Executive Director

The following text was filed with the Notice of Proposed Rule Making pertaining to A Proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA, I.D. TBA-49-18-00011-P, published in this issue of the *State Register*.

A. E-ZPass Charges For E-ZPass New York Customer Service Center Customers		CLASSIFICATION			Crossing Charges		
		1	Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under				
			Registered Staten Island Residents using an eligible vehicle taking 3 or more trips per month	\$6.22	\$6.22	\$2.85	\$2.33
			Registered Staten Island Residents using an eligible vehicle taking less than 3 trips per month	\$3.50			
			Registered Staten Island Residents using an eligible vehicle with three or more occupants (HOV)	\$3.68			
			Registered Rockaway Residents using an eligible vehicle	\$1.73			
		2	Each additional axle costs	\$4.00	\$4.00	\$3.00	\$1.52
			All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)	\$11.23	\$11.23		\$5.62
			Two-axle vehicles	\$18.41	\$18.41		\$9.21
			Three-axle vehicles				

Four-axle vehicles	\$23.53	\$23.53	\$11.77
Five-axle vehicles	\$30.67	\$30.67	\$15.34
Six-axle vehicles	\$35.79	\$35.79	\$17.90
Seven-axle vehicles	\$42.94	\$42.94	\$21.47
3 Each additional axle	\$7.17	\$7.17	\$3.59
4 Two-axle franchise buses	\$4.50	\$4.50	\$2.25
5 Three-axle franchise buses	\$5.35	\$5.35	\$2.82
Motorcycles	\$2.71	\$2.71	\$1.94
Each additional axle	\$1.62	\$1.62	\$1.62

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

Bicycles are not permitted over Bronx-Whitestone, Throgs Neck, and Verrazzano-Narrows Bridges, or through the tunnels. Such vehicles may cross the Robert F. Kennedy, Henry Hudson, Marine Parkway-Gil Hodges Memorial and Cross Bay Veterans Memorial Bridges without payment of crossing charge, but must be walked across the pedestrian paths of such bridges.

Only vehicles authorized to use parkways are authorized to use the Henry Hudson Bridge. An unauthorized vehicle using the Henry Hudson Bridge must pay the Marine Parkway-Gil Hodges Memorial Bridge rate.

E-ZPass crossing charges apply to New York E-ZPass Customer Service Center customers only and are available subject to terms, conditions and agreement established by the Authority.

There are no residential restrictions with regard to enrollment as a TBTA Customer in the New York Customer Service Center.

(a) Under Verrazzano-Narrows one-way crossing charge collection program, all per crossing charges shown should be doubled. Presently paid in westbound direction only.

B. For Fare Media Other Than E-ZPass Charges for E-ZPass New York Customer Service Center Customers		TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CROSSING CHARGES			
		ROBERT F. KENNEDY, BRONX-WHITESTONE, AND THROGS NECK BRIDGES AND QUEENS MDTOWN		HENRY HUDSON BRIDGE	MARINE PARKWAY GIL HODGES MEMORI/ AND CROSS BAY VETERANS MEMORIAL BRIDGES
		VERRAZZANO- NARROWS BRIDGE (a)	AND HUGH L CAREY TUNNELS		
CLASSIFICATION		Crossing Charges			
1	Two-axle vehicles, including: passenger vehicles, station wagons, self-propelled mobile homes, ambulances, hearses, vehicles with seating capacity of not more than 15 adult persons (including the driver) and trucks with maximum gross weight (MGW) of 7,000 lbs. and under	\$9.50	\$9.50	\$7.00	\$4.75
The following discounted charges are available for eligible class 1 vehicles:					
Prepaid charges to obtain discount token roll or E-Tokens					\$3.17
Prepaid charges per crossing to obtain E-Tokens for registered Staten Island Residents using an eligible vehicle		\$4.98			
Prepaid charges per crossing to obtain E-Tokens for registered Rockaway Peninsula/Broad Channel Residents using an eligible vehicle					\$2.08
Each additional axle costs		\$4.00	\$4.00	\$3.00	\$3.00
2	All vehicles with MGW greater than 7,000 lbs. and buses (other than franchise buses using E-ZPass and motor homes)				
Two-axle vehicles		\$19.00	\$19.00		\$9.50
Three-axle vehicles		\$31.29	\$31.29		\$15.65
Four-axle vehicles		\$39.12	\$39.12		\$19.56
Five-axle vehicles		\$51.41	\$51.41		\$25.71

Six-axle vehicles	\$59.24	\$59.24	\$29.62
Seven-axle vehicles	\$73.76	\$73.76	\$36.88
Each additional axle	\$11.18	\$11.18	\$5.59
3 Two-axle franchise buses	\$9.25	\$9.25	\$4.50
4 Three-axle franchise buses	\$10.25	\$10.25	\$5.25
5 Motorcycles	\$4.00	\$4.00	\$4.00
Each additional axle	\$2.00	\$2.00	\$2.00

See Footnotes on next page

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the crossing charge for any such vehicle of unusual or unconventional design, weight or construction.

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(a) Under Verrazano-Narrows one-way crossing charge collection program, all per crossing charges shown should be doubled. Presently paid in westbound direction only.

