
NEW YORK STATE
REGISTER

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Rule Review

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 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or 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 for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 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 April 5, 2015
- the 45-day period expires on March 21, 2015
- the 30-day period expires on March 6, 2015

**ANDREW M. CUOMO
GOVERNOR**

**CESAR A. PERALES
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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The **New York State Register** (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The **New York State Register** is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

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 must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; 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 public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the 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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Telephone: (518) 474-6957

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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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

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.

Adirondack Park Agency

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Emergency Projects

I.D. No. APA-05-15-00006-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 572.22; and addition of section 572.15 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 804(a), 806(4), 809(14), (15) and 814(4)

Subject: Emergency projects.

Purpose: The purpose of the proposed rule is to define when jurisdictional land use and development constitutes an emergency project.

Public hearing(s) will be held at: 6:00 p.m., March 4, 2015 at Adirondack Park Agency, 1133 Rte. 86, Ray Brook, NY; and 2:00 p.m., March 5, 2015 at Department of Environmental Conservation, 625 Broadway, Rm. 129, Albany, 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: A new section 572.15 is added to 9 NYCRR to read as follows:

Section 572.15 Emergency Projects.

(a) *General.* This section provides the procedural requirements for the issuance of an emergency certification or an emergency recovery authorization for a project undertaken to address an emergency. No other requirements of this Subtitle shall apply to an emergency project. It is within the Agency's discretion to determine whether a specific event or conditions constitutes an emergency and whether proposed land use or development is an emergency project.

(b) *Definitions used in this section.*

(1) *Emergency means:* (i) a specific event or condition that presents an immediate threat to life or property; or (ii) a specific storm event or natural calamity that has been declared to be an emergency by federal or state officials.

(2) *Emergency project means* land use or development that is immediately necessary for the protection of life or property and that would otherwise require a permit, order, or variance.

(3) *Emergency certification means* a written determination by the Agency that an emergency exists or has existed and that an emergency project may be undertaken or has been undertaken to prepare for or mitigate the emergency.

(4) *Emergency recovery authorization means* a written determination by the Agency authorizing an emergency project that is necessary for repair, remediation or recovery from an emergency as defined in subdivision (b)(1) of this section and that is not covered by an emergency certification.

(c) *Emergency Certification Procedures.* (1) To obtain an emergency certification, a project sponsor shall: (i) notify the Agency with sufficient information to allow for an Agency determination whether an emergency as defined in paragraphs (b)(1)(i) and (ii) of this section exists or existed and whether the project is an emergency project as defined in subdivision (b)(2) of this section; and (ii) obtain an emergency certification prior to undertaking an emergency project or as soon thereafter as practicable.

(2) The Agency shall issue an emergency certification upon a determination that: (i) an emergency exists or existed; and (ii) the emergency project is limited in scope to the land use and development necessary to prepare for or mitigate the emergency. The Agency shall have two business days from receipt of sufficient information to issue an emergency certification.

(3) The emergency certification shall include a description of the land use and development comprising the emergency project, and may include conditions to limit the timing and duration of the emergency project and its impact on any of the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park.

(4) An emergency certification may only be issued by the executive director, deputy director – regulatory programs and such other Agency staff as the executive director shall designate in writing.

(d) *Emergency Recovery Authorization Procedures.* (1) A project sponsor proposing an emergency project under this subdivision shall notify the Agency prior to undertaking the emergency project and provide the Agency with the following information:

(i) a brief statement identifying the emergency, as defined in paragraph(b)(1) of this section that created the need for the emergency project;

(ii) a description of the proposed land use and development and why it is necessary for repair, remediation or recovery from an emergency;

(iii) documentation of existing conditions;

(iv) a location map;

(v) actions proposed to be taken to minimize environmental impacts; and

(vi) any additional information requested by the Agency necessary for the issuance of an emergency recovery authorization.

(2) The Agency shall issue an emergency recovery authorization for an emergency project upon a determination that: (i) the emergency project is directly related to an emergency as defined in paragraph (b)(1)

of this section; (ii) the emergency project is limited in scope to the land use and development necessary to repair, remediate or recovery from the emergency; and (iii) the emergency project will cause the least change, modification, disturbance, or damage to the environment as practicable. The Agency shall have 5 business days to respond to a request for an emergency recovery authorization upon receipt of sufficient information.

(3) The emergency recovery authorization shall include a description of the land use and development comprising the emergency project and may include conditions to limit the timing and duration of the emergency project and its impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park.

(4) An emergency recovery authorization may only be issued by the executive director, deputy director – regulatory programs and such other Agency staff as the executive director shall designate in writing.

(e) Limitations. (1) The Agency may modify or rescind an emergency certification or emergency recovery authorization if new information demonstrates that an emergency does not, or no longer, exists or that the emergency project is not, or no longer, necessary or appropriate.

(2) Any person who undertakes land use or development that otherwise would require a permit or variance from the Agency that is not described in an emergency certification or emergency recovery authorization issued to such person pursuant to this section may be subject to enforcement action.

Subdivision (a) of section 572.22 of 9 NYCRR is amended to read as follows:

(a) Appeals of actions taken by Agency staff [the deputy director – regulatory programs]. (1) Any project sponsor or variance applicant may appeal the following actions of the deputy director-regulatory programs to the [a]Agency:

(i) determinations whether a project or variance application is complete, and the contents of requests for additional information;

(ii) conditions precedent to the issuance of, and conditions imposed in, permits issued pursuant to the authority delegated in section 572.11 of this Part;

(iii) determinations pursuant to section 572.19(b) of this Part whether a request to amend a permit or variance involves a material change;

(iv) denial or conditional approval of requests to amend permits or variances, or requests to renew permits; or

(v) any other action with respect to a project or a variance pursuant to delegated authority.

(2) Any person may appeal any determination made pursuant to section 572.15 of this Part declining to issue an emergency certification or emergency recovery authorization.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer McAleese, Senior Attorney, Adirondack Park Agency, 1133 Rte. 86, Ray Brook, New York 12977, (518) 891-4050, email: APARuleMaking@apa.ny.gov

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

Public comment will be received until: March 21, 2015.

Regulatory Impact Statement

1. Statutory authority:

The Adirondack Park Agency Act (APA Act), Executive Law Article 27, Section 804(9), authorizes the Agency “to adopt, amend and repeal...such rules and regulations...as it deems necessary to administer this article and to do any and all things necessary or convenient to carry out the purposes and policies of this article...” Similar authority to regulate wild, scenic and recreational rivers and freshwater wetlands in the Adirondack Park is found in the NYS Wild, Scenic and Recreational Rivers System Act (Rivers Act) (Environmental Conservation Law (ECL) Section 15-2705) and in the NYS Freshwater Wetlands Act (Wetlands Act) (ECL Article 24, Title 8. The Agency’s statutory authority to adopt regulations to define whether land use or development is an “emergency project” is set forth in Executive Law Sections 806(4) with respect to shoreline restrictions, 809(14) and (15) with respect to land use and development on private lands, and 814(4) and (5) with respect to state agency projects. ECL Section 70-0107(3)(c) and (j) specify that the Rivers Act and the Wetlands Act, with respect to provisions administered by the Agency, are subject to the procedures of Executive Law Section 809.

2. Legislative objectives:

During an emergency, it is often difficult to obtain regulatory approval before one must act to protect life or property. In addition, following the emergency, there continues to be additional work that must take place to recover from the emergency before the Agency’s regular permitting or variance review processes can be completed. The primary objective of the proposed emergency project rule is to define when jurisdictional land use and development constitutes an emergency project. Land use and development that is determined to be an “emergency project” is exempt from the Agency’s normal regulatory review procedures.

The APA Act provides for an exemption from the Agency’s jurisdiction and normal review procedures in sections 806(4), 809(15), and 814(4); each section contains a clause stating that the section does not apply to land use or development that is “immediately necessary for the protection of life or property.” This proposed rule is intended to provide more definition for this statutory exemption by clarifying what constitutes an emergency project and by establishing an expedited process for ensuring that land use or development that falls within the statutory exemption is directly related to the work necessary to address the ongoing emergency, thereby limiting any unrelated adverse environmental impacts. In addition, this rulemaking proposes an amendment to existing rules to allow administrative review of determinations made pursuant to the emergency project rule.

The public policy objective underlying the statutory exemption of emergency projects from Agency permit and variance jurisdiction is to allow the undertaking of measures immediately necessary for protection of life or property without the delay of regulatory procedures and review. It is important to note that the proposed emergency project rule follows the statutory exemption from normal regulatory procedures; however, it is a limited exemption and is only intended to provide an expedited process to document the measures undertaken as emergency projects without an Agency variance or permit. This documentation will be useful for landowners seeking reimbursement for emergency measures and as proof of the lawfulness of the measures undertaken by the landowner. The rule will also ensure that the measures undertaken are confined to those immediately necessary to protect life or property.

3. Needs and benefits:

Since 2011, there have been numerous state declared emergency weather events, including the 2011 flooding, Hurricane Irene and Tropical Storm Lee. These weather events required prompt action both during the event itself and the remediation and recovery phase after the event. During and immediately after these events, the Agency primarily relied upon coordination with the NYS Department of Environmental Conservation (NYSDEC) for its regulatory response, because that agency had more staff in the field and was able to incorporate Agency review considerations into its immediate response actions. The proposed rule would provide a formal, responsive, and unified process, as well as better documentation of the Agency’s regulatory involvement that would be useful to landowners and the public.

4. Costs:

There are no costs associated with the proposed regulations. The proposed rule is intended to codify the Agency’s existing practices, and to provide a consistent, formal process for the Agency’s response to emergencies. Currently, during emergency situations, the Agency seeks substantially the same information from landowners as is requested in the proposed rule. Accordingly, the proposed rule simply formalizes the Agency’s existing practice.

Also, recognizing the exigency of emergency situations, the information that the Agency is requesting is very basic information and the minimum amount of information required in order for the Agency to determine that a proposal is an emergency project. Recent experience has shown the need for public and private landowners to have complete documentation from the Agency of measures undertaken during emergencies, as well as for the Agency and the NYS Department of Environmental Conservation (NYSDEC) to have better coordination when responding to emergencies in the Adirondack Park. The proposed rule will enhance coordination between the Agency and NYSDEC as the proposed rule better aligns the Agency’s process with NYSDEC’s and even relies upon information submitted to NYSDEC, which reduces the regulatory burden on applicants. The proposed rule will provide a more efficient process for the Agency and the applicant as well as a less costly overall process for responding to emergencies.

5. Local government mandates:

The proposed rules will not impose any responsibilities on local government entities, unless the local government is the project sponsor.

6. Paperwork:

The proposed rule provides a procedure for obtaining a determination from the Agency that land use or development is, in fact, an “emergency project.” The Agency will issue either an Emergency Certification or an Emergency Recovery Authorization. In the event of an emergency, the project sponsor may request the Agency to issue an Emergency Certification either before undertaking the emergency project or within 30 days of undertaking the emergency project. In order to issue an Emergency Certification, the Agency will require the project sponsor to provide the Agency with sufficient information to determine that an emergency is (or was) ongoing or occurred within the last 30 days and that the emergency project is (or was) limited in scope to that necessary to address the emergency. The Emergency Recovery Authorization is intended for the follow-up response to the emergency. The project sponsor will be required to obtain authorization from the Agency prior to undertaking the emergency project.

In addition, the project sponsor will be required to submit sufficient information to the Agency through a standard application form that will allow the Agency to make a determination that the proposal satisfies the criteria for an Emergency Recovery Authorization.

Both the Certification and the Authorization provide the project sponsor with Agency documentation that land use or development does not (or did not) require a permit, order or variance. This is important as it provides landowners with documentation that work done during an emergency is lawful for Agency purposes. In addition, this documentation may facilitate emergency aid reimbursement.

7. Duplication:

The proposed regulations do not duplicate, overlap, or conflict with any other local, state, or federal requirements.

8. Alternatives:

The Agency does not currently have a regulatory definition to establish when land use and development is an "emergency project." The proposed regulation would provide clear parameters for obtaining a determination from the Agency that land use or development is an "emergency project." The alternative is to continue with existing practice and review each proposal on a case by case basis without a clear regulatory definition of what constitutes an "emergency project." The Agency has deemed this as unacceptable and counterproductive to Agency efficiency and not in keeping with the Agency's goal of providing clear and consistent responses to the public.

9. Federal standards:

The proposed regulations do not involve any federal statutory authority or standards.

10. Compliance schedule:

The proposed regulations would apply prospectively, effective immediately upon their adoption. It is anticipated that regulated persons would be able to comply with these regulations immediately.

Regulatory Flexibility Analysis

The proposed rules would not impose additional reporting, record keeping or other compliance requirements on small businesses and local governments. Instead, they would provide an efficient process for relieving a regulatory burden on entities undertaking an "emergency project" as defined by the Adirondack Park Agency in the proposed rules. These entities may include small businesses or local governments.

The proposed rules would define "emergency project" and provide a procedure for obtaining a determination from the Agency that land use or development is an "emergency project," and for administratively challenging that determination.

The proposed rules would not preclude people from undertaking jurisdictional land use or development. Rather, under the proposed rule, if land use or development is determined to be an "emergency project," it would be exempt from the Agency's normal regulatory review procedures, and subject to streamlined procedures.

Accordingly, a Regulatory Flexibility Analysis is not required for the proposed rules.

Rural Area Flexibility Analysis

The proposed rules, applicable throughout the Adirondack Park, would have the same effect whether the area is considered rural or not. The proposed rules impose no additional reporting, record keeping or other compliance requirements on small businesses, or on public or private entities in rural areas. Instead, they would provide an efficient process for relieving a regulatory burden on those entities undertaking an "emergency project" as defined by the Adirondack Park Agency in the proposed rules.

The proposed rules would define "emergency project" and provide a procedure for obtaining a determination from the Agency that land use or development is an "emergency project," and for administratively challenging that determination.

The proposed rules would not preclude people from undertaking jurisdictional land use or development. Rather, under the proposed rule, if land use or development is determined to be an "emergency project," it would be exempt from the Agency's normal regulatory review procedures, and subject to streamlined procedures.

Accordingly, a Rural Area Flexibility Analysis is not required for the proposed rules.

Job Impact Statement

A job impact statement (JIS) is not submitted for these proposed rules because they are not expected to create any substantial adverse impact upon jobs and employment opportunities in the Adirondack Park.

The proposed rules would define "emergency project" and provide a procedure for obtaining a determination from the Agency that land use or development is an "emergency project," and for administratively challenging that determination.

The proposed rules would not preclude people from undertaking jurisdictional land use or development. Rather, under the proposed rule, if land use or development is determined to be an "emergency project," it

would be exempt from the Agency's normal regulatory review procedures, and subject to streamlined procedures.

Section 201-a of SAPA defines job impact as a "change in the number of jobs and employment opportunities" attributable to the adoption of the rule. A "substantial adverse impact on jobs" is defined as "a decrease of more than 100 full-time annual jobs and employment opportunities."

There will be no change in employment opportunities due to the proposed rules. Under the proposed rules, projects that do not qualify as "emergency projects" will be reviewed pursuant to the Agency's normal review processes. The proposed rules simply provide an expedited regulatory response for "emergency projects."

Accordingly, a JIS is not required for the proposed rules.

Department of Agriculture and Markets

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Incorporation by Reference of the 2013 Edition of the Grade A Pasteurized Milk Ordinance ("PMO")

I.D. No. AAM-05-15-00002-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 2.1 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 46, 46-a, 50-k, 71-a, 71-n and 214-b

Subject: Incorporation by reference of the 2013 edition of the Grade A Pasteurized Milk Ordinance ("PMO").

Purpose: To require certain producers, processors and manufacturers of milk and milk products to comply with the 2013 edition of the PMO.

Text of proposed rule: Paragraph (1) of subdivision (b) of section 2.1 of 1 NYCRR is amended to read as follows:

(1) The sanitation provisions of this Part shall not apply to dairy farms or dairy farmers, or to milk plants and persons who operate milk plants, that have a sanitation compliance rating of 90 or better, as set forth in the latest Sanitation Compliance and Enforcement Ratings of interstate milk shippers list (IMS List), except as set forth in paragraph (2) of this subdivision. Dairy farms and dairy farmers, and milk plants and persons who operate milk plants, that have such a sanitation compliance rating shall comply with the sanitation requirements set forth in the Grade A Pasteurized Milk Ordinance, [2011] 2013 edition, published by the United States Department of Health and Human Services, Washington, DC (PMO) except to the extent that any provision of the PMO is in conflict with a provision of State and/or Federal law and except as provided in paragraph (2) of this subdivision. A copy of the PMO is available for public inspection at the Division of Milk Control and Dairy Services, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 41 State Street, Albany, NY 12231.

Subdivision (c) of section 2.1 of 1 NYCRR is amended to read as follows:

(c) Every term used in subdivision (b) of this section that is defined in the Grade A Pasteurized Milk Ordinance, [2011] 2013 edition, shall have the meaning ascribed to such term therein.

Text of proposed rule and any required statements and analyses may be obtained from: Casey McCue, Division of Milk Control & Dairy Services, NYS Dept. of Agriculture & Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-1772, email: Casey.McCue@agriculture.ny.gov

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

Public comment will be received until: 45 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 2.1 to incorporate by reference the 2013 edition of the Grade A Pasteurized Milk Ordinance ("the 2013 PMO") and make the provisions thereof applicable to producers, processors and manufacturers of "Grade A" milk and milk products that have a sanitation compliance rating of ninety or better, as set forth in

the latest Sanitation Compliance and Enforcement Ratings of the Interstate Milk Shippers Conference (“IMSC”), and who may, therefore, ship such foods in interstate commerce. The proposed rule is non-controversial. The 2013 PMO is a publication of the Food and Drug Administration (“FDA”) of the United States Department of Health and Human Services and contains sanitation guidelines for the production of raw milk that will be pasteurized, the processing of such milk for drinking, and the manufacture of milk products such as cottage cheese and yogurt. Pursuant to an agreement between the states, each state causes inspections to be made of the premises of each producer, processor and manufacturer of “Grade A” milk and milk products, located within its borders, that wishes to ship such foods in interstate commerce. After an inspection is conducted, the inspected business is given a “rating” that reflects its adherence to the sanitation guidelines set forth in the 2013 PMO. The states have agreed that no producer, processor or manufacturer of “Grade A” milk and milk products may ship such foods in interstate commerce unless and until it has received a sanitation compliance rating of ninety or better, indicating that it is in substantial compliance with such sanitation guidelines. As a result of this agreement between the states, every producer, processor and manufacturer of “Grade A” milk and milk products located in New York that ships such foods in interstate commerce must, and already does, have a sanitation compliance rating of ninety or better, indicating that it is in substantial compliance with the provisions of the 2013 PMO.

Based upon the preceding, the proposed rule will not have an adverse impact upon New York’s producers, processors and manufacturers of “Grade A” milk and milk products because those businesses that ship such foods in interstate commerce are already required to be in substantial compliance with the 2013 PMO. Furthermore, not only will the proposed rule have no adverse impact upon New York’s producers, processors and manufacturers of “Grade A” milk and milk products, but such businesses will favor adoption of such proposed rule because the FDA has indicated that New York’s ability to give “ratings” to such businesses will be jeopardized unless it adopts the 2013 PMO, which could, in turn, cause such businesses to no longer be able to ship such foods in interstate commerce.

For the preceding reasons, the proposed rule is non-controversial and is a consensus rule, as defined in State Administrative Procedure Act section 102(11).

Job Impact Statement

The proposed rule will not have an adverse impact on jobs or on employment opportunities.

The proposed rule will amend 1 NYCRR Part 2 to incorporate by reference the 2013 edition of the Grade A Pasteurized Milk Ordinance (“the 2013 PMO”) and make the provisions thereof applicable to producers, processors and manufacturers of “Grade A” milk and milk products, located in New York, that have a sanitation compliance rating of ninety or better, as set forth in the latest Sanitation and Compliance Enforcement Ratings of the Interstate Milk Shippers Conference (“IMSC”), and that may, therefore, ship such foods in interstate commerce. Such producers, processors and manufacturers are already practically required to substantially comply with the provisions of the 2013 PMO, and setting forth such requirement in regulations places no additional burden upon them. As such, the proposed rule will have no adverse impact upon jobs or employment opportunities.

Department of Corrections and Community Supervision

NOTICE OF EXPIRATION

The following notices have expired and cannot be reconsidered unless the Department of Corrections and Community Supervision publish new notices of proposed rule making in the *NYS Register*.

Privileged Correspondence

I.D. No.	Proposed	Expiration Date
CCS-02-14-00003-P	Jan. 15, 2014	Jan. 15, 2015

Inmate Telephone Calls

I.D. No.	Proposed	Expiration Date
CCS-02-14-00004-P	Jan. 15, 2014	Jan. 15, 2015

Education Department

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Requirements for Teacher Certification

I.D. No. EDU-05-15-00008-P

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

Proposed Action: Amendment of sections 80-3.3(b)(2)(i)(b), 80-3.4(b)(3)(i)(b) and 80-5.13(b)(1)(ii)(b) of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 (not subdivided), 305(1), (2), 3001(2), 3004(1), 3006(1)(b) and 3009(1)

Subject: Requirements for teacher certification.

Purpose: To provide teacher candidates with additional flexibility to use the safety net for the teacher performance assessment (edTPA).

Text of proposed rule: 1. Clause (b) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner is amended, effective April 29, 2015, to read as follows:

(b) Except as otherwise provided in this section, for candidates applying for certification on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate on or before April 30, 2014, such candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment, the educating all students test, the academic literacy skills test and the content specialty test(s) in the area of the certificate, except that a candidate seeking an initial certificate in the title of Speech and Language Disabilities (all grades) shall not be required to achieve a satisfactory level of performance on the content specialty test or the teacher performance assessment and a candidate seeking an initial certificate in the title of Educational Technology Specialist (all grades) shall not be required to achieve a satisfactory level of performance on the teacher performance assessment. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] *June 30, 2016*, except the candidate does not [receive] *achieve* a satisfactory [score] *level of performance* on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the teacher performance assessment prior to June 30, 2015.

2. Clause (b) of subparagraph (i) of paragraph (3) of subdivision (b) of section 80-3.4 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, as follows:

(b) Candidates who hold a transitional C certificate for career changers and others holding a graduate academic or graduate professional degree, pursuant to the requirements of section 80-5.14 this Part, and who apply for certification on or after May 1, 2014 or candidates who apply for professional certification on or before April 30, 2014 but do not meet all the requirements for a professional certificate on or before April 30, 2014 shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination teacher performance assessment. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] *June 30, 2016*, except the candidate does not [receive] *achieve* a satisfactory [score] *level of performance* on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the teacher performance assessment prior to June 30, 2015.

3. Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (b) of

section 80-5.13 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, to read as follows:

(b) A candidate who applies for an initial certificate on or after May 1, 2014 or who applies for an initial certificate on or before April 30, 2014 but does not meet all the requirements for an initial certificate on April 30, 2014, shall submit evidence of having achieved a satisfactory level of performance on the teacher performance assessment, if applicable for that certificate title, and any other examination required for the provisional or initial certificate, as applicable, and/or a bilingual education extension of such certificate, as applicable. Provided however, if a candidate applies for and meets all the requirements for an initial certificate on or before [June 30, 2015 (including completing and submitting for scoring the teacher performance assessment)] *June 30, 2016*, except the candidate does not [receive] *achieve* a satisfactory [score] *level of performance* on the teacher performance assessment, the candidate may meet the requirements for an initial certificate, if the candidate either:

(1) receives a satisfactory score on the written assessment of teaching skills after receipt of his/her score on the teacher performance assessment and prior to June 30, 2015; or

(2) passes the written assessment of teaching skills on or before April 30, 2014 (before the new certification examination requirements became effective) and the candidate has taken and failed the teacher performance assessment prior to June 30, 2015.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@mail.nysed.gov

Data, views or arguments may be submitted to: Peg Rivers, State Education Department, Office of Higher Education, Room 979, Washington Avenue, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, email: privers@mail.nysed.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law section 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law section 305(1) and (2) empowers the Commissioner of Education to be the chief executive officer of the state system of education and authorizes the Commissioner to execute educational policies determined by the Regents.

Education Law section 3001(2) establishes certification by the State Education Department as a qualification to teach in the State's public schools.

Education Law section 3004(1) authorizes the Commissioner of Education to prescribe regulations governing the certification of teachers.

Education Law section 3006(1)(b) provides that the Commissioner of Education may issue such teacher certificates as the Regents Rules prescribe.

Education Law section 3009(1) provides that no part of the school moneys apportioned to a district shall be applied to the payment of the salary of an unqualified teacher, nor shall his salary or part thereof, be collected by a district tax except as provided in the Education Law.

2. LEGISLATIVE OBJECTIVES:

The amendment carries out the legislative objectives of the above-referenced statutes by providing flexibility relating to the teacher performance assessment (edTPA), a certification examination that is required for certain teachers who are seeking to be certified in New York State.

3. NEEDS AND BENEFITS:

In response to concerns raised by the field in relation to the edTPA, in April 2014, the Board of Regents adopted regulations, which were further revised in September 2014, to provide a "safety net" for certain teaching candidates who applied for and met all requirements for a teaching certificate, except the candidate took and failed the edTPA. The adopted regulations provide flexibility to teacher candidates who had taken and failed the edTPA and authorize the Commissioner to issue to a candidate who applied for and met all the requirements for an initial certificate on or before June 30, 2015, except he/she did not receive a satisfactory passing score on the teacher performance assessment, an initial certificate; provided that subsequent to receiving a score for the teacher performance assessment and prior to June 30, 2015, the candidate received a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment. Transitional C certificate holders (generally Career and Technical Education teachers who are career changers or hold a graduate academic or professional degree) are provided similar flexibility in meeting the edTPA requirement for a professional certificate.

Following the adoption of the 2014 regulations, the field expressed concern that some teaching candidates who have used or will use the

"safety net" may not be able to apply for and meet all the other requirements by June 30, 2015 in order to take advantage of the "safety net" because they need to pass all other exams, complete their education, etc. Under the current regulations, if they do not meet all other requirements, including passing all other exams, completing the DASA and all other workshops before June 30th, 2015, their score on the ATS-W would become invalid and they would then need to go back and re-take and pass the edTPA. This would be extremely difficult for many candidates who will no longer be enrolled in their program and would not have access to a classroom. It may also impose a financial burden since the department's ability to make fee vouchers available will be limited after June 30, 2015. In response to these concerns, the purpose of the proposed amendment is to extend the deadline to apply for, and meet, the certification requirements for one year- from June 30, 2015 to June 30, 2016. By extending the date to apply for and meet the other certification requirements, the proposed amendment provides teaching candidates with the time they need to meet the other certification requirements without further extending the deadline to take and pass the edTPA.

4. COSTS:

The proposed amendment does not impose any costs on the State, local governments, private regulated parties or the State Education Department. The proposed amendment will provide additional flexibility for candidates who take and fail the edTPA on their first attempt.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any mandatory program, service, duty, or responsibility upon local government, including school districts or BOCES.

6. PAPERWORK

There are no additional paperwork requirements beyond those currently imposed.

7. DUPLICATION:

The amendment does not duplicate any existing State or Federal requirements.

8. ALTERNATIVES:

There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no Federal standards that establish requirements for the certification of teachers for service in the State's public schools.

10. COMPLIANCE SCHEDULE:

The proposed amendment does not impose any additional compliance requirements or costs on candidates and instead provides additional flexibility for candidates who take and fail the edTPA on their first attempt. It is anticipated that regulated parties will be able to achieve compliance with the proposed amendment by its effective date.

Regulatory Flexibility Analysis

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the edTPA, the proposed amendment attempts to provide additional flexibility for candidates who take and fail the edTPA on their first attempt. The proposed amendment authorizes the Commissioner to issue an initial certificate to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except he/she does not achieve a satisfactory level of performance on the teacher performance assessment, if required; provided that the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment. Transitional C certificate holders (generally Career and Technical Education teachers who are career changers or hold a graduate academic or professional degree) would be provided similar flexibility in meeting the edTPA requirement for a professional certificate.

The proposed rule does not impose any reporting, recordkeeping or other compliance requirements, and will not have an adverse economic impact, on small businesses or local governments. Because it is evident from the nature of the amendment that it does not affect small businesses or local governments, no further steps were needed to ascertain that fact and one were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment will affect teacher candidates who are applying for an initial certificate and who have completed all the requirements for certification prior to June 1, 2016, except the teacher performance assessment (edTPA).

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty

development around the edTPA, the proposed amendment attempts to provide additional flexibility for candidates who take and fail the edTPA on their first attempt. The proposed amendment authorizes the Commissioner to issue an initial certificate to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except he/she does not achieve a satisfactory level of performance on the teacher performance assessment; provided that the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment. Transitional C certificate holders (generally Career and Technical Education teachers who are career changers or hold a graduate academic or professional degree) would be provided similar flexibility in meeting the edTPA requirement for a professional certificate.

The proposed amendment does not require any professional services to comply.

3. COSTS:

The proposed amendment does not impose any costs on the State, local governments, private regulated parties or the State Education Department. The proposed amendment will provide additional flexibility for candidates who take and fail the edTPA on their first attempt.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment does not impose any additional compliance requirements or costs on candidates and instead provides additional flexibility for candidates who take and fail the edTPA on their first attempt. The State Education Department does not believe any changes for candidates who live or work in rural areas is warranted because uniform standards for certification are necessary across the State.

5. RURAL AREA PARTICIPATION:

The State Education Department has sent the proposed amendment to the Rural Advisory Committee, which has members who live or work in rural areas across the State.

Job Impact Statement

In order to address the concerns raised by the field while at the same time recognizing the previous extension and investments made in faculty development around the edTPA, the proposed amendment attempts to provide additional flexibility for candidates who take and fail the edTPA on their first attempt. The proposed amendment authorizes the Commissioner to issue an initial certificate to a candidate who applies for and meets all the requirements for an initial certificate on or before June 30, 2016, except he/she does not achieve a satisfactory level of performance on the teacher performance assessment, if required; provided that the candidate receives a satisfactory level of performance on the written assessment of teaching skills examination in lieu of a satisfactory level of performance on the teacher performance assessment.

Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tuition Assistance Program

I.D. No. EDU-05-15-00009-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 145-2.2(b)(2)(ii) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207 (not subdivided), 305(1), (2), 602(2), 661(2) and 665(6)

Subject: Tuition Assistance Program.

Purpose: Establishment of standards for a student to regain good academic standing for the purposes of receiving awards under TAP.

Text of proposed rule: Subparagraph (ii) of paragraph (2) of subdivision (b) of section 145-2.2 of the Regulations of the Commissioner of Education is amended, effective April 29, 2015, to read as follows:

(ii) Following a determination that the recipient of an award has lost good academic standing, further payments of any award under article 13 or 14 of the Education Law shall be suspended for a minimum of one semester or its equivalent and until the student is [restored] reinstated to good academic standing by either:

(a) pursuing the program of study in which he or she is enrolled and making satisfactory progress toward completion of his or her program's academic requirements;

(b) establishing, to the satisfaction of the commissioner, evidence of the student's ability to successfully complete an approved program through of the one of the following options:

(1) demonstrating that the student has made up any deficiencies in his/her program and achieved academic progress and has achieved good academic standing without the benefit of the tuition assistance program, or other State support;

(2) applying for and being readmitted to the same institution after withdrawing as a student from such institution for at least one academic year;

(3) transferring to another higher education institution and meeting the new institution's admissions' requirements; or

(4) providing other evidence satisfactory to the Commissioner that the student will successfully complete the program.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, State Education Department, Office of Counsel, State Education Building, Room 148, 89 Washington Ave., Albany, NY 12234, (518) 474-6400, email: legal@mail.nysed.gov

Data, views or arguments may be submitted to: Peg Rivers, State Education Department, Office of Higher Education, Room 979, Washington Avenue, 89 Washington Ave., Albany, NY 12234, (518) 486-3633, email: regcomments@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Education Law section 305(1) and (2) provide that the Commissioner, as chief executive officer of the State system of education and of the Board of Regents, shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education, and shall execute all educational policies determined by the Board of Regents.

Subdivision (2) of section 602 of the Education Law empowers the Commissioner of Education to promulgate regulations establishing requirements for the president to follow in determining student eligibility for State student aid relating to full-time study, part-time study, accelerated study, matriculation, loss of good academic standing, and permissible use of general and academic performance awards and loans. Subdivision (1) of section 602 of the Education Law empowers the Commissioner of Education to select qualified recipients of academic performance awards.

Subdivision (2) of section 661 of the Education Law grants the Board of Regents the power to establish times for which a student must provide certain information, as required by the Board of Regents, to his or her institution through the submission of a form provided by the Board of Regents.

Subdivision (6) of section 665 empowers the Commissioner of Education to establish standards for a student's good academic standing and loss thereof. Section 665 further empowers the Commissioner of Education to approve an institution's standard of assessing a student's satisfactory academic progress in accordance with the requirements set forth such section of law.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment carries out the legislative objectives of the above-referenced statutes by establishing standards in order to regain eligibility for receipt of rewards through the Tuition Assistance Program (TAP) for a candidate to be reinstated to "good standing" status.

3. NEEDS AND BENEFITS:

The New York State Tuition Assistance Program (TAP) provides for an annual award of up to \$5,165, payable over two semesters, to help eligible New York residents pay tuition at approved colleges and universities in New York State.

Education Law § 661 sets forth the eligibility requirements and conditions for receiving a TAP award. For a student to continue to receive an award under the TAP, Education Law § 665(6) requires that the student maintain good academic standing: (1) by meeting or exceeding minimum cumulative grade point average requirements; and (2) by making satisfactory progress toward the completion of his or her program's academic requirements, measured by credit hour accumulation. This section also establishes minimum thresholds for each of these two requirements based on the year the student first receives aid, the length of the student's program and whether the student is a remedial student. However, institu-

tions may establish and apply stricter standards of satisfactory academic progress, provided such standards include the required levels of achievement to be measured at the statutory intervals. If an institution implements stricter criteria for satisfactory academic progress, the criteria must include a minimum number of credit hours to be earned and a minimum cumulative grade point average, and must be measured at set intervals, such as semesters or trimesters. If a student fails to make satisfactory progress toward the completion of the program's academic requirements, or fails to maintain the minimum cumulative GPA, the student will not be in good academic standing and, thus, will become ineligible for awards under the TAP.

Regaining Good Academic Standing

When a student does not meet the good academic standing requirement to continue receiving a TAP award, further payments of any state award(s) is/are also suspended until the student is reinstated in good standing within a reasonable time set by the Commissioner. Currently, section 145-2.2(b)(1)(ii) of the Regulations of the Commissioner of Education provides that a student may be restored to good academic standing by:

- (a) pursuing the program of study in which he or she is enrolled and making satisfactory progress toward the completion of his or her program's academic requirements; or
- (b) establishing in some other way, to the satisfaction of the Commissioner, evidence of his or her ability to successfully complete an approved program.

Currently, the regulation is silent on whether a TAP award is suspended while the student is restoring his/her status of "good academic standing", and does not establish a minimum length of time a TAP award must be suspended while the student is in the process of regaining good academic standing.

In order to provide clarity to the field, the proposed amendment provides: (1) that no student will receive any TAP or any other state awards during the period when they are regaining good academic standing; and (2) provides that TAP awards shall be suspended for a minimum of one semester or its equivalent while the student is regaining good academic standing.

The current regulation also fails to define what evidence the Commissioner will accept as the students' promise to successfully complete an approved program in order to regain good academic standing under Education Law § 665(6); and the regulations do not contemplate the possibility of a student changing academic programs within the same institution to avoid the need to regain good academic standing in the original academic program.

In an effort to the address these issues and provide clarity to the field, the proposed amendment also identifies four options that the Commissioner would accept as satisfactory evidence of a students' promise to successfully complete an approved program for the limited purpose of regaining good academic standing. These options include:

- (1) making up any deficiencies in GPA or academic progress to regain good academic standing without the benefit of TAP, or other State support;
- (2) applying for and being re-admitted to the original institution after withdrawing as a student for a period of at least one academic year and by meeting the institution's academic requirements; or
- (3) transferring to another institution where the student must meet the new institution's admissions' requirements; or
- (4) providing other satisfactory evidence that the student will meet its promise to successfully complete the program.

4. COSTS:

(a) Costs to State government. The proposed amendment will not impose any additional costs on State government, including the State Education Department.

(b) Costs to local government. None.

(c) Costs to private regulated parties. The proposed amendment will not impose any additional costs upon public or nonpublic colleges and universities, education opportunity centers, or other postsecondary institutions beyond the minimal costs to such institutions to update information materials concerning the number of credits and minimum grade point average a student must have completed before the school's certification for payment on the student's award.

(d) Costs to the regulatory agency. As stated above under Costs to State Government, the proposed amendment would not impose additional costs on the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment will not impose any new mandates, and accordingly, will not impose any additional duties or responsibilities on local governments.

6. PAPERWORK:

The proposed amendment does not impose any additional reporting requirements on any regulated party.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

8. ALTERNATIVES:

There are no viable alternatives to the proposed amendment, and none were considered.

9. FEDERAL STANDARDS:

The proposed amendment concerns eligibility requirements for students receiving State student aid through the tuition assistance program (TAP), and therefore, there are no applicable federal standards.

10. COMPLIANCE SCHEDULE:

The amendment would be effective on its stated effective date.

Regulatory Flexibility Analysis

The purpose of the proposed amendment is to provide clarity to the field by establishing standards for reinstatement to the status of good academic standing in order to resume receiving awards that were previously suspended under the Tuition Assistance Program.

It is evident from the subject matter of the proposed amendment that it will have no effect on local governments or small businesses. The amendment will not impose any adverse economic impact or any additional recordkeeping, reporting, or other compliance requirements on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to all public and nonpublic colleges and universities, education opportunity centers, and other postsecondary institutions that are eligible, where applicable, to participate in the tuition assistance program (TAP) in New York State, including those located in the 44 rural counties having less than 200,000 inhabitants and the 71 towns in urban counties having a population density of 150 per square mile or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS, AND PROFESSIONAL SERVICES:

The New York State Tuition Assistance Program (TAP) provides for an annual award of up to \$5,165, payable over two semesters, to help eligible New York residents pay tuition at approved colleges and universities in New York State.

Education Law § 661 sets forth the eligibility requirements and conditions for receiving a TAP award. For a student to continue to receive an award under the TAP, Education Law § 665(6) requires that the student maintain good academic standing: (1) by meeting or exceeding minimum cumulative grade point average requirements; and (2) by making satisfactory progress toward the completion of his or her program's academic requirements, measured by credit hour accumulation. This section also establishes minimum thresholds for each of these two requirements based on the year the student first receives aid, the length of the student's program and whether the student is a remedial student. However, institutions may establish and apply stricter standards of satisfactory academic progress, provided such standards include the required levels of achievement to be measured at the statutory intervals. If an institution implements stricter criteria for satisfactory academic progress, the criteria must include a minimum number of credit hours to be earned and a minimum cumulative grade point average, and must be measured at set intervals, such as semesters or trimesters. If a student fails to make satisfactory progress toward the completion of the program's academic requirements, or fails to maintain the minimum cumulative GPA, the student will not be in good academic standing and, thus, will become ineligible for awards under the TAP.

Regaining Good Academic Standing

When a student does not meet the good academic standing requirement to continue receiving a TAP award, further payments of any state award(s) is/are also suspended until the student is reinstated in good standing within a reasonable time set by the Commissioner. Currently, section 145-2.2(b)(1)(ii) of the Regulations of the Commissioner of Education provides that a student may be restored to good academic standing by:

- (a) pursuing the program of study in which he or she is enrolled and making satisfactory progress toward the completion of his or her program's academic requirements; or
- (b) establishing in some other way, to the satisfaction of the Commissioner, evidence of his or her ability to successfully complete an approved program.

Currently, the regulation is silent on whether a TAP award is suspended while the student is restoring his/her status of "good academic standing", and does not establish a minimum length of time a TAP award must be suspended while the student is in the process of regaining good academic standing.

In order to provide clarity to the field, the proposed amendment provides: (1) that no student will receive any TAP or any other state awards during the period when they are regaining good academic standing; and (2) provides that TAP awards shall be suspended for a minimum of one semester or its equivalent while the student is regaining good academic standing.

The current regulation also fails to define what evidence the Commissioner will accept as the students' promise to successfully complete an approved program in order to regain good academic standing under Education Law § 665(6); and the regulations do not contemplate the possibility of a student changing academic programs within the same institution to avoid the need to regain good academic standing in the original academic program.

In an effort to address these issues and provide clarity to the field, the proposed amendment also identifies four options that the Commissioner would accept as satisfactory evidence of a students' promise to successfully complete an approved program for the limited purpose of regaining good academic standing. These options include:

- (1) making up any deficiencies in GPA or academic progress to regain good academic standing without the benefit of TAP, or other State support;
- (2) applying for and being re-admitted to the original institution after withdrawing as a student for a period of at least one academic year and by meeting the institution's academic requirements; or
- (3) transferring to another institution where the student must meet the new institution's admissions' requirements; or
- (4) providing other satisfactory evidence that the student will meet its promise to successfully complete the program.

3. COSTS:

The proposed amendment will not impose any additional costs on State government, including the State Education Department or on regulated parties, including those located in rural areas of the State.

4. MINIMIZING ADVERSE IMPACT:

The amendment does not make any differentiation in eligibility based upon the geographic location of the student. In the interests of equity, uniform criteria are established for all students across the State.

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the Interagency Task Force on State financial assistance, which includes the Higher Education Services Corporation and members of SUNY, CUNY, the independent higher education sector and the proprietary sector, which have colleges and universities located in rural areas of this State.

Job Impact Statement

The purpose of the proposed amendment is to provide clarity to the field by establishing standards for reinstatement to the status of good academic standing in order to resume receiving awards that were previously suspended under the Tuition Assistance Program.

The amendment will not affect jobs or employment opportunities in New York State. Because it is evident from the nature of this amendment that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required, and one has not been prepared.

Department of Financial Services

NOTICE OF ADOPTION

Arbitration

I.D. No. DFS-29-14-00003-A

Filing No. 51

Filing Date: 2015-01-20

Effective Date: 2015-02-04

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

Action taken: Amendment of Subpart 65-4 (Regulation 68-D) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; Insurance Law, sections 301 and 5201 and art. 51

Subject: Arbitration.

Purpose: To revise the fee structure awarded to attorneys who prevail in no-fault disputes on behalf of applicants.

Text of final rule: Section 65-4-6 is amended to read as follows:

Section 65-4.6 Limitations on attorney's fees pursuant to section 5106 of the Insurance Law.

The following limitations shall apply to the payment by insurers of applicants' attorney's fees for services necessarily performed in the resolution of no-fault disputes:

(a) If an arbitration was initiated or a court action was commenced by an attorney on behalf of an applicant and the claim or portion thereof was not denied or overdue at the time the arbitration proceeding was initiated or the action was commenced, no attorney's fees shall be granted.

(b) If the claim is resolved by the designated organization at any time prior to transmittal to an arbitrator and it was initially denied by the insurer or overdue, the payment of the applicant's attorney's fee by the insurer shall be limited [as follows:

(1) If the resolved claim was initially denied, the attorney's fee shall be \$80.

(2) If the resolved claim was overdue but not denied, the attorney's fee shall not exceed the amount of first-party benefits and any additional first-party benefits, plus interest thereon, which the insurer agreed to pay and the applicant agreed to accept in full settlement of the dispute submitted, subject to a maximum fee of \$60.

(3) In disputes solely involving interest, the attorney's fee shall be equal to the amount of interest which the insurer agreed to pay and the applicant agreed to accept in full settlement of the dispute submitted, subject to a maximum fee of \$60.

(4) Notwithstanding the limitations of this subdivision, the insurer may, at its discretion, offer a higher attorney's fee, subject to the limitations of subdivisions (d) or (e) of this section, in order to resolve the dispute during conciliation.

(c) Except as provided in subdivisions (a) and (b) of this section, the minimum attorney's fee payable pursuant to this subpart shall be \$60.] *to 20 percent of the total amount of first-party benefits and any additional first-party benefits, plus interest thereon, for each applicant with whom the respective parties have agreed and resolved disputes, subject to a maximum fee of \$1,360.*

[(d)] (c) For disputes subject to arbitration [by the No-Fault Arbitration forum] *or court proceedings*, where one of the issues involves a policy issue as enumerated on the prescribed denial of claim form (NYS form NF-10), subject to [the provisions of subdivisions (a) and (c) of] this section, the attorney's fee for the arbitration *or litigation* of all issues shall be limited [as follows:] [(1) for preparatory services relating to the arbitration forum or court, the attorney shall be entitled to receive] *to a fee of up to \$70 per hour, subject to a maximum fee of \$1,400.]; and*

(2) *in] In addition, an attorney shall be entitled to receive a fee of up to \$80 per hour for each personal appearance before the arbitration forum or court.*

[(e)] (d) For all other disputes subject to arbitration *or court proceedings*, subject to the provisions of [subdivisions] *subdivision* (a) [and (c)] of this section, the attorney's fee shall be limited as follows: 20 percent of the *total amount of first-party benefits and any additional first-party benefits, plus interest thereon, for each applicant per arbitration or court proceeding* [awarded by the arbitrator or court], subject to a maximum fee of [\$850] *\$1,360*. If the nature of the dispute results in an attorney's fee [which] *that* could be computed in accordance with the limitations prescribed in both subdivision (c) and this subdivision, the higher attorney's fee shall be payable. [However, if the insurer made a written offer pursuant to section 65-4.2(b)(4) of this Subpart and if such offer equals or exceeds the amount awarded by the arbitrator, the attorney's fee shall be based upon the provisions of subdivision (b) of this section.

(f) (e) Notwithstanding the limitations [listed] *specified* in this section, if the arbitrator or a court determines that the issues in dispute were of such a novel or unique nature as to require extraordinary skills or services, the arbitrator or court may award an attorney's fee in excess of the limitations set forth in this section. An excess fee award shall detail the specific novel or unique nature of the dispute [which] *that* justifies the award. An excess award of an attorney's fee by an arbitrator shall be appealable to a master arbitrator.

[(g)] (f) If a dispute involving an overdue or denied claim is resolved by the parties after it has been forwarded [by the Department of Financial Services or the] *to the* conciliation center [to] *of the* appropriate arbitration forum or after a court action has been commenced, the [claimant's] attorney *for the applicant* shall be entitled to a fee, which shall be computed in accordance with the limitations set forth in this section.

[(h)] (g) No attorney shall demand, request or receive from the insurer any payment of fees not permitted by this section.¹

[(i)] (h) Notwithstanding any other provision of this section and with respect to billings on and after the effective date of this regulation, if the charges by a health care provider, who is an applicant for benefits, exceed the limitations contained in the schedules established pursuant to section 5108 of the Insurance Law, no attorney's fee shall be payable by the insurer. This provision shall not be applicable to charges that involve interpretation of such schedules or inadvertent miscalculation or error.

¹ Attorneys should be aware of the Appellate Division Rules prohibiting fees in connection with the collection of first-party no-fault benefits (22 NYCRR sections 603.7(e)(7), 691.20(e)(7), 806.13(f) and 1022.31(f)).

Final rule as compared with last published rule: Nonsubstantive changes were made in section 65-4.6(a).

Text of rule and any required statements and analyses may be obtained from: Camielle Barclay, NYS Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5299, email: camielle.barclay@dfs.ny.gov

Revised Regulatory Impact Statement

The Department of Financial Services is withdrawing the non-substantive clarification that was made to Section 65-4.6(a). Because this withdrawal has no effect on the last published Regulatory Impact Statement, it is not necessary to revise the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

The Department of Financial Services is withdrawing the non-substantive clarification that was made to Section 65-4.6(a). Because this withdrawal has no effect on the last published Regulatory Flexibility Analysis for Small Businesses and Local Governments, it is not necessary to revise the previously published Regulatory Flexibility Analysis for Small Businesses and Local Governments.

Revised Rural Area Flexibility Analysis

The Department of Financial Services is withdrawing the non-substantive clarification that was made to Section 65-4.6(a). Because this withdrawal has no effect on the last published Rural Area Flexibility Analysis, it is not necessary to revise the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

The Department of Financial Services is withdrawing the non-substantive change that was made to Section 65-4.6(a). Because this withdrawal has no effect on the last published Job Impact Statement, it is not necessary to revise the previously published Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department received comments from 27 interested parties in response to its publication of the proposed rule in the New York State Register. The Department received comments from the following groups of interested parties:

- Property/casualty insurers;
- A health care provider;
- Trade associations comprised of New York State automobile insurers;
- Two coalitions comprised of consumer groups;
- A coalition of plaintiffs' attorneys, health care providers and other interested parties;

- A coalition of attorneys representing eligible injured persons;
 - Hospitals; and
 - Law firms that provide legal services to various health care providers.
- Comments on specific parts of the proposed rule are discussed below.

Proposed 11 NYCRR 65-4.6(a) ("Limitations on attorney's fees")
Comment

Representatives of providers, hospitals, and injured persons, as well as consumer groups, expressed concern that the Department's proposed amendment that would substitute "and" for "or" in 11 NYCRR 65-4.6(a) would result in many attorneys being denied attorney's fees unless a claim was both denied and overdue at the commencement of a proceeding.

Department's Response

The Department intended this amendment to be a non-substantive clarification that both denied claims and overdue claims submitted to arbitration or court would be eligible for attorney's fees, and not to be interpreted as saying that a claim had to be both denied and overdue at the start of the proceeding. However, because of the overwhelming concern and confusion regarding this non-substantive change, the Department is withdrawing this amendment.

Proposed 11 NYCRR 65-4.6(b) ("Minimum Attorney's Fee")

Comments

Representatives of health care providers ("providers"), hospitals, and injured persons, as well as consumer groups, strongly oppose eliminating the \$60 minimum attorney's fee, asserting that such an amendment unduly favors insurers, will not achieve more consolidation of claims, and will have a negative impact on eligible injured persons ("EIPs") and providers with no-fault disputes involving low monetary value claims. They proffered the following arguments to support their objection to the proposed amendment:

(1) It will be difficult for EIPs and providers to retain attorneys willing to represent them in arbitration or in court with respect to small monetary value claims if the attorney's fee is limited to only 20 percent of the value of the claim plus interest;

(2) Providers will be reluctant to accept no-fault patients if it is difficult to retain attorneys to represent them in disputes against an insurer involving a small monetary value claim, or providers may treat patients unnecessarily in order to increase the total value of claims in dispute;

(3) Insurers will engage in the unlawful practice of improperly lowering the value of claims so as to reduce the attorney's fees, and the Department does not have the financial resources to take effective action against insurers that engage in such unlawful practice;

(4) There is no empirical evidence that having a minimum attorney's fee results in attorneys commencing multiple actions for related claims, and doing so is not cost effective;

(5) Courts have consistently severed consolidated cases where there are multiple EIPs and multiple accidents, and arbitration does not permit consolidation of disputes that do not arise out of the same action;

(6) The amount of time needed to arbitrate or litigate multiple claims is the same whether the issues are addressed in one action or individual actions;

(7) The Department failed to consider alternatives to the proposed rule although the proposal will have a deleterious effect on parties whose low monetary value claims may not be consolidated with other claims;

(8) Consolidation of cases is infeasible because the regulation requires a provider to bill an insurer within 45 days of treatment and to commence an action within 30 days of an insurer's denial of the claim or failure to pay within 30 days of the receipt of the bill in order to prevent interest from being tolled; and

(9) Providers and EIPs who delay filing arbitrations in order to consolidate claims will forfeit priority in scheduling hearings.

Department's Responses

With respect to comments (1), (2) and (3), the Department is not persuaded by the comments that attorneys will be reluctant to represent providers, including hospitals, in disputes involving low monetary value claims. Many law firms that handle no-fault matters specialize in this area and the success of this business is based on volume; therefore, those firms are unlikely to reject a no-fault claim solely because it is of low monetary value. Additionally, the Department informally discussed this issue with a trade organization representing hospitals. That organization asserted that hospitals typically retain attorneys to handle a block of business rather than just an individual no-fault claim, and if an attorney wants to remain a hospital's legal representative, that attorney will not decline to represent a hospital in arbitration or court solely because the dispute involves a low monetary value claim.

The Department also is not persuaded that a provider, in deciding whether to treat a no-fault patient, takes into account whether the provider will be able to retain an attorney to handle a dispute regarding payment for treating that patient. Further, the Department is skeptical that an honest provider would jeopardize its license by treating a patient unnecessarily in order to bolster the monetary value of claims in the event of a dispute in order to be able to be represented by an attorney. To do so would violate Insurance Law § 5109 and Insurance Regulation 68-E, the consequence of which would be a prohibition on demanding or requesting payment for medical services in connection with any no-fault claim. Likewise, the Department is confident that insurers are unlikely to engage in the unlawful claims settlement practice of lowering the value of claims to decrease attorney's fees because of the risk of regulatory action by the Department, and because, although provider attorneys would receive lower fees, an insurer would still incur additional costs for its legal representation at the prevailing rate, as well as assessments required to be paid to the American Arbitration Association.

With respect to comments (4), (5), (7), (8), and (9) regarding consolidation, nothing in the proposed regulation mandates consolidation of claims. The Department's intent in amending the minimum fee provision is to encourage consolidation of claims where feasible, but this does not include claims involving multiple accidents, providers, or EIPs, or where consolidation would otherwise violate or contradict any law or regulation. Further, the Department, in promulgating this amendment, considered all the alternatives that commentators suggested in response to the Department's solicitation for comments on this regulation and concluded that the provision as amended would significantly reduce the voluminous filings of low monetary value claims and curtail possible fraudulent activity in the no-fault system.

Finally, the Department finds that comment (6) is without merit because attorney's fees are based on the amount of the provider's bill and not on the time spent preparing for arbitration or a court proceeding.

Comment

Insurers and trade organizations representing insurers overwhelmingly support eliminating the minimum attorney's fee. They contended that this

amendment would reduce the number of individual filings of low monetary value claims made solely to generate attorney's fees, and that insurers no longer would be forced to settle such claims that they would otherwise contest but for the cost of litigating those claims. One insurer trade organization further recommended that the regulation require providers and their attorneys to file only one action for all disputes arising out of the same accident and involving the same EIP.

Department's Response

The Department agrees that the amendment is necessary to curtail the voluminous filings of low monetary value claims. However, the Department rejects the recommendation to require providers and their attorneys to commence a single action for all disputed claims arising out of the same accident and involving the same EIP, because to do so would violate Insurance Law § 5106(b), which grants an applicant the option to bring any dispute to arbitration.

Comment

Some of the insurers and an insurer trade organization requested that the Department clearly specify the effective date of this proposed amendment, and suggested that the proposed amendment to the fee structure apply as of the date of filing of an arbitration or lawsuit, rather than the date of loss or date of service.

Department's Response

Because section 65-4.6 applies to arbitrations or court proceedings, the amendment applies to all new arbitrations or court proceedings initiated on or after the effective date of the amendment, rather than to dates of service or dates of loss occurring on or after the effective date of the amendment.

Proposed 11 NYCRR 65-4.6(b) ("Maximum Attorney's Fee During the Conciliation Phase")

Comments

One insurer opposed eliminating the maximum \$60/\$80 attorney's fee during conciliation, asserting that to do so would result in hearings over disputes involving fees, which in turn would increase costs and prolong the resolution of no-fault claims. The insurer also opposed the proposed fee of 20 percent of first-party benefits and any additional first-party benefits, plus interest, up to a maximum of \$1,360, contending that the fee is excessive for the limited amount of work involved in filing a case for arbitration.

On the other hand, one insurer trade organization supported the proposed fee structure, asserting that this would discourage the filing of multiple no-fault claims in order to generate more attorney's fees and encourage consolidation of small monetary value claims, which would result in a more efficient no-fault system.

Department's Response

The Department disagrees that the maximum attorney's fee conciliation phase should not be increased because the current maximum attorney's fee is not commensurate with the increase in the amount of work an attorney must expend upon filing and during the conciliation phase of an arbitration case as a result of a regulatory change made ten years ago requiring early submission of case documents and legal arguments in arbitration.

Proposed 11 NYCRR 65-4.6(d) ("Maximum Attorney's Fee")

Comments

Representatives of providers, hospitals, and injured persons, as well as consumer groups, strongly agreed that the current \$850 maximum attorney's fee should be increased, but asserted that the Department's proposed increase to \$1,360 is insufficient to achieve the Department's objective of encouraging consolidation of claims. Those commentators suggested either increasing the maximum fee – some provider attorneys suggested increasing the maximum to \$2,000 and a hospital attorney suggested \$4,000 for hospital bills – or eliminating the maximum fee altogether.

Most insurers and insurer trade organizations opposed any increase to the maximum fee. They contended that the current \$850 maximum attorney's fee fairly compensates attorneys for the work involved in resolving a no-fault claim at arbitration or in court, and that there is no evidence that at the current fee providers would be hard pressed to find attorneys to represent them.

On the other hand, two insurers agree with the Department's amendment to the attorney's fees provisions of Insurance Regulation 68-D, asserting that those amendments should reduce the overwhelming number of low monetary value claims filed in order to maximize attorney's fees, as well as minimize the impact that fees have on pervasive fraud in the no-fault system.

Department's Response

The Superintendent, based on his knowledge and expertise in the area of no-fault law and regulation, as well as his responsibility to the public, finds that an increase in the maximum attorney's fee to \$1,360 is reasonable in order to achieve a more efficient resolution of no-fault claims that is equitable to both providers and insurers. The Superintendent also finds

the proposed maximum fee to be sufficient incentive for provider attorneys to consolidate disputes where feasible, while not so exorbitant as to unduly increase transaction and litigation costs.

Other Comments on Insurance Regulation 68-D Regarding Attorney's Fees

Interested parties submitted comments that were beyond the scope of changes to the regulation being implemented at this time. Accordingly, no changes to the regulation were made based upon those comments. Also, although the Department initially solicited comments on Section 65-4.6(f) of the current regulation, the Department did not propose any changes at this time, and therefore comments received on Section 65-4.6(f) are beyond the scope of changes to the regulation being implemented and are not discussed here.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Science, Technology, Engineering and Mathematics Incentive Program

I.D. No. ESC-05-15-00001-E

Filing No. 46

Filing Date: 2015-01-15

Effective Date: 2015-01-15

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

Action taken: Addition of section 2201.13 to Title 8 NYCRR.

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

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 2201.13 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 2014 term. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides for tuition benefits to college-going students who, beginning August 2014, pursue an undergraduate program of study in science, technology, engineering, or mathematics at a New York State public institution of higher education. High school students entering college in August must inform the institution of their intent to enroll no later than May 1. Therefore, it is critical that the terms of the program as provided in the regulation be available immediately in order for HESC to process scholarship applications so that students can make informed choices. 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 Science, Technology, Engineering and Mathematics Incentive Program.

Purpose: To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program.

Text of emergency rule: New section 2201.13 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.13 New York State Science, Technology, Engineering and Mathematics Incentive Program.

(a) *Definitions. The following definitions apply to this section:*

(1) *"Award" shall mean a New York State Science, Technology, Engineering and Mathematics Incentive Program award pursuant to section 669-e of the New York State education law.*

(2) *"Employment" shall mean continuous employment for at least thirty-five hours per week in the science, technology, engineering or mathematics field, as published on the corporation's web site, for a public or private entity located in New York State for five years after the completion of the undergraduate degree program and, if applicable, a higher*

degree program or professional licensure degree program and a grace period as authorized by section 669-e(4) of the education law.

(3) "Grace period" shall mean a six month period following a recipient's date of graduation from a public institution of higher education and, if applicable, a higher degree program or professional licensure degree program as authorized by section 669-e(4) of the education law.

(4) "High school class" shall mean the total number of students eligible to graduate from a high school in the applicable school year.

(5) "Interruption in undergraduate study or employment" shall mean a temporary period of leave for a definitive length of time due to circumstances as determined by the corporation, including, but not limited to, maternity/paternity leave, death of a family member, or military duty.

(6) "Program" shall mean the New York State Science, Technology, Engineering and Mathematics Incentive Program codified in section 669-e of the education law.

(7) "Public institution of higher education" shall mean the state university of New York, as defined in subdivision 3 of section 352 of the education law, a community college as defined in subdivision 2 of section 6301 of the education law, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.

(8) "School year" shall mean the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.

(9) "Science, technology, engineering and mathematics" programs shall mean those undergraduate degree programs designated by the corporation on an annual basis and published on the corporation's web site.

(10) "Successful completion of a term" shall mean that at the end of any academic term, the recipient: (i) met the eligibility requirements for the award pursuant to sections 661 and 669-e of the education law; (ii) completed at least 12 credit hours or its equivalent in a course of study leading to an approved undergraduate degree in the field of science, technology, engineering, or mathematics; and (iii) possessed a cumulative grade point average (GPA) of 2.5 as of the date of the certification by the institution. Notwithstanding, the GPA requirement is preliminarily waived for the first academic term for programs whose terms are organized in semesters, and for the first two academic terms for programs whose terms are organized on a trimester basis. In the event the recipient's cumulative GPA is less than a 2.5 at the end of his or her first academic year, the recipient will not be eligible for an award for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. In such case, the award received for the first academic term for programs whose terms are organized in semesters and for the first two academic terms for programs whose terms are organized on a trimester basis must be returned to the corporation and the institution may reconcile the student's account, making allowances for any other federal, state, or institutional aid the student is eligible to receive for such terms unless: (A) the recipient's GPA in his or her first academic term for programs whose terms are organized in semesters was a 2.5 or above, or (B) the recipient's GPA in his or her first two academic terms for programs whose terms are organized on a trimester basis was a 2.5 or above, in which case the institution may retain the award received and only reconcile the student's account for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. The corporation shall issue a guidance document, which will be published on its web site.

(b) Eligibility. An applicant for an award under this program pursuant to section 669-e of the education law must also satisfy the general eligibility requirements provided in section 661 of the education law.

(c) Class rank or placement. As a condition of an applicant's eligibility, the applicant's high school shall provide the corporation:

(1) official documentation from the high school either (i) showing the applicant's class rank together with the total number of students in such applicant's high school class or (ii) certifying that the applicant is in the top 10 percent of such applicant's high school class; and

(2) the applicant's most current high school transcript; and

(3) an explanation of how the size of the high school class, as defined in subdivision (a), was determined and the total number of students in such class using such methodology. If the high school does not rank the students in such high school class, the high school shall also provide the corporation with an explanation of the method used to calculate the top 10 percent of students in the high school class, and the number of students in the top 10 percent, as calculated. Each methodology must comply with the terms of this program as well as be rational and reasonable. In the event the corporation determines that the methodology used by the high school fails to comply with the term of the program, or is irrational or unreasonable, the applicant will be denied the award for failure to satisfy the eligibility requirements; and

(4) any additional information the corporation deems necessary to determine that the applicant has graduated within the top 10 percent of his or her high school class.

(d) Administration.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) postmark or electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year. Notwithstanding any other rule or regulation to the contrary, such applications shall be received by the corporation no later than August 15th of the applicant's year of graduation from high school.

(2) Recipients of an award shall:

(i) execute a service contract prescribed by the corporation;

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

(iii) confirm annually their enrollment in an approved undergraduate program in science, technology, engineering, or mathematics;

(iv) receive such awards for not more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study; and

(v) respond to the corporation's requests for a letter from their employer attesting to the employee's job title, the employee's number of hours per work week, and any other information necessary for the corporation to determine compliance with the program's employment requirements.

(e) Amounts.

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

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time upon successful completion of the term subject to the verification and certification by the institution of the recipient's GPA and other eligibility requirements.

(3) Awards shall be reduced by the value of other educational grants and scholarships limited to tuition, as authorized by section 669-e of the education law.

(f) Failure to comply.

(1) All award monies received shall be converted to a 10-year student loan plus interest for recipients who fail to meet the statutory, regulatory, contractual, administrative or other requirement of this program.

(2) The interest rate for the life of the loan shall be fixed and equal to that published annually by the U.S. Department of Education for undergraduate unsubsidized Stafford loans at the time the recipient signed the service contract with the corporation.

(3) Interest shall begin to accrue on the day each award payment is disbursed to the institution.

(4) Interest shall be capitalized on the day the award recipient violates any term of the service contract or the date the corporation deems the recipient was no longer able or willing to perform the terms of the service contract. Interest on this amount shall be calculated using simple interest.

(5) Where a recipient has demonstrated extreme hardship as a result of a total and permanent disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, prorate the amount owed commensurate with service completed, discharge the amount owed, or such other appropriate action. Where a recipient has demonstrated in-school status, the corporation shall temporarily suspend repayment of the amount owed for the period of in-school status.

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 April 14, 2015.

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 Science, Technology, Engineering and Mathematics Incentive Program ("Program") is codified within Article 14 of the Education Law. In particular, Part G of Chapter 56 of the Laws of 2014 created the Program by adding a new section 669-e to the Education Law. Subdivision 5 of section 669-e 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-e to create the "New York State Science, Technology, Engineering and Mathematics Incentive Program" (Program). This Program is aimed at increasing the number of individuals working in the fields of science, technology, engineering and mathematics (STEM) in New York State to meet the increasingly critical need for those skills in the State's economy.

Needs and benefits:

According to a February 2012 report by President Obama's Council of Advisors on Science and Technology, there is a need to add to the American workforce over the next decade approximately one million more science, technology, engineering and mathematics (STEM) professionals than the United States will produce at current rates in order for the country to stay competitive. To meet this goal, the United States will need to increase the number of students who receive undergraduate STEM degrees by about 34% annually over current rates. The report also stated that fewer than 40% of students who enter college intending to major in a STEM field complete a STEM degree. Further, a recent Wall Street Journal article reported that New York state suffers from a shortage of graduates in STEM fields to fill the influx of high-tech jobs that occurred five years ago. At a plant in Malta, about half the jobs were filled by people brought in from outside New York and 11 percent were foreigners. According to the article, Bayer Corp. is due to release a report showing that half of the recruiters from large U.S. companies surveyed couldn't find enough job candidates with four-year STEM degrees in a timely manner; some said that had led to more recruitment of foreigners. About two-thirds of the recruiters surveyed said that their companies were creating more STEM positions than other types of jobs. There are also many jobs requiring a two-year degree. In an effort to deal with this shortage, companies are using more internships, grants and scholarships.

The Program is aimed at increasing the number New York graduates with two and four year degrees in STEM who will be working in STEM fields across New York state. Eligible recipients may receive annual awards for not more than four academic years of undergraduate full-time study (or five years if enrolled in a five-year program) while matriculated in an approved program leading to a career in STEM.

The maximum amount of the award is equal to the annual tuition charged to New York State resident students attending an undergraduate program at the State University of New York (SUNY), including state operated institutions, or City University of New York (CUNY). The current maximum annual award for the 2014-15 academic year is \$6,170. Payments will be made directly to schools on behalf of students upon certification of their successful completion of the academic term.

Students receiving a New York State Science, Technology, Engineering and Mathematics Incentive Program award must sign a service agreement and agree to work in New York state for five years in a STEM field and reside in the State during those five years. Recipients who do not fulfill their service obligation will have the value of their awards converted to a student loan and be responsible for interest.

Costs:

a. It is anticipated that there will be no 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 \$8 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 each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract for services in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

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/phrases used in the regulation as well as the academic progress requirement. Given the statutory language as set forth in section 669-e 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 unsubsidized Stafford loan rate in the event that the award is converted into a student loan.

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 2201.13 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 impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, 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 2201.13 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 tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit 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 2201.13 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 impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

Public Service Commission

NOTICE OF ADOPTION

Allowing Submetering of Electricity at 35 East 64th Street, New York, New York

I.D. No. PSC-11-14-00004-A

Filing Date: 2015-01-14

Effective Date: 2015-01-14

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

Action taken: On 1/8/15, the PSC adopted an order authorizing Plaza Athenee Company Limited to submeter electricity at 35 East 64th Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Allowing submetering of electricity at 35 East 64th Street, New York, New York.

Purpose: To allow submetering of electricity at 35 East 64th Street, New York, New York.

Substance of final rule: The Commission, on January 8, 2015, adopted an order approving Plaza Athenee Company Limited to submeter electricity at 35 East 64th Street, New York, New York, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@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-E-0052SA1)

NOTICE OF ADOPTION

Allowing EBNB 70 Pine Owner LLC to Submeter Electricity at 70 Pine Street, New York, NY

I.D. No. PSC-18-14-00007-A

Filing Date: 2015-01-14

Effective Date: 2015-01-14

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

Action taken: On 1/8/15, the PSC adopted an order authorizing EBNB 70 Pine Owner LLC to submeter electricity at 70 Pine Street, New York, NY.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Allowing EBNB 70 Pine Owner LLC to submeter electricity at 70 Pine Street, New York, NY.

Purpose: To allow submetering at 70 Pine Street, New York, NY.

Substance of final rule: The Commission, on January 8, 2015, adopted an order authorizing EBNB 70 Pine Owner LLC to submeter electricity at 70 Pine Street, New York, NY, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@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-E-0126SA1)

NOTICE OF ADOPTION

Approving 18 Gramercy Park Condominium's Petition to Submeter Electricity at 18 Gramercy Park, New York, NY

I.D. No. PSC-34-14-00008-A

Filing Date: 2015-01-14

Effective Date: 2015-01-14

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

Action taken: On 1/8/15, the PSC adopted an order authorizing 18 Gramercy Park Condominium to submeter electricity at 18 Gramercy Park, New York, NY.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Approving 18 Gramercy Park Condominium's petition to submeter electricity at 18 Gramercy Park, New York, NY.

Purpose: To approve 18 Gramercy Park Condominium's request to submeter electricity at 18 Gramercy Park, New York, NY.

Substance of Final Rule: The Commission, on January 8, 2015, adopted an order approving a petition filed by 18 Gramercy Park Condominium to submeter electricity at 18 Gramercy Park, New York, NY, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@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-E-0333SA1)

NOTICE OF ADOPTION

Allowing Submetering of Electricity at 1000 Palmer Road, Bronxville, NY

I.D. No. PSC-40-14-00010-A

Filing Date: 2015-01-14

Effective Date: 2015-01-14

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

Action taken: On 1/8/15, the PSC adopted an order authorizing Kimball Brooklands Corporation to submeter electricity at 1000 Palmer Road, Bronxville, NY.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Allowing submetering of electricity at 1000 Palmer Road, Bronxville, NY.

Purpose: To allow submetering of electricity at 1000 Palmer Road, Bronxville, NY.

Substance of final rule: The Commission, on January 8, 2015, adopted an order approving Kimball Brooklands Corporation's Notice of Intent to submeter electricity at 1000 Palmer Road, Bronxville, New York, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@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-E-0096SA1)

NOTICE OF ADOPTION

Approval of the Waiver of the Individual Metering Requirements for Residential Living Units

I.D. No. PSC-46-14-00006-A

Filing Date: 2015-01-14

Effective Date: 2015-01-14

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

Action taken: On 1/8/15, the PSC adopted an order approving the petition of Hegeman Avenue Housing L. P. (Hegeman) for a waiver of the individual residential living unit metering requirements.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4) (12) and (14)

Subject: Approval of the waiver of the individual metering requirements for residential living units.

Purpose: To approve the waiver of the individual metering requirements for residential living units.

Substance of final rule: The Commission, on January 8, 2015, adopted an order approving the petition of Hegeman Avenue Housing L.P., for a waiver of the individual metering requirements for residential living, conditioned on the continued use of 39 Hegeman Avenue, Brooklyn, New York as a residence for members of a special needs population, 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: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2660, email: elaine.agresta@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.

(12-E-0543SA2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Whether to Grant, Deny or Modify in Whole or in Part the Petition of Consolidated Edison for Rehearing and Clarification

I.D. No. PSC-05-15-00003-P

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

Proposed Action: The Public Service Commission is considering whether to grant, deny or modify in whole or in part the petition of Consolidated Edison Company of New York, Inc. for rehearing and clarification of the Order issued December 12, 2014.

Statutory authority: Public Service Law, sections 22, 65(1), 66(1), (2) and (12)(a)

Subject: Whether to grant, deny or modify in whole or in part the petition of Consolidated Edison for rehearing and clarification.

Purpose: Whether to grant, deny or modify in whole or in part the petition of Consolidated Edison for rehearing and clarification.

Substance of proposed rule: The Public Service Commission (Commission) is considering whether to grant, deny or modify, in whole or part, the petition for rehearing and reconsideration of the Commission's December 12, 2014 Order Establishing Brooklyn/Queens Demand Management Program (BQDM Program) filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on January 12, 2015.

Con Edison seeks rehearing on the linkage of the achievement of additional earnings in any given year from the BQDM Program and the Company's performance under its Reliability Performance Mechanism (RPM). According to the Company, there is no record basis for the linkage nor its discussed in the body of the Order and the linkage is unjustified and contrary to the advancement of the Commission's goals articulated in the Reforming the Energy Vision (REV) proceeding (Case 14-M-0101).

The Company also seeks reconsideration or clarification of six other issues: 1) it requests that the Commission allow the Company to own or operate distributed energy resources and claims that customers often prefer

to work with Con Edison to manage their energy use and to implement customer sided solutions; 2) it requests that the Commission clarify that the Company be allowed to consider the impacts of public open space or recreational space as one factor in its holistic evaluation of projects involving the City of New York, New York Power Authority and/or New York City Housing Authority; 3) it requests clarification of the details of the third-party oversight required in the Order, in particular, Company asks the Commission to determine that it is primarily responsible for selection of the projects, that the third-party and Staff review is focused on market power concerns, that the costs related to the independent third-party overseer should not be applied against the \$200 million spending cap for the BQDM Program, and asks the Commission to clarify how the process would work if Staff disagrees with the Company's project selections; 4) it requests clarification of the required benefit cost analysis (BCA) so that the Company need only submit semi-annual BCA reports commencing June 2015 and continuing until June 2018; 5) it requests clarification that the focus of the diversity index should be expanded to include direct customers as well as subcontractors, that the diversity index should serve to measure the diversity of technology offered, and that the Company and Staff should work together to modify the diversity index to address a technical fault that appears to award the full incentive so long as each vendor contributes the same proportion of megawatts; and, 6) it requests that the Commission clarify the limitations of its ownership of grid-based solutions so that commercial leases of real property are allowed and to clarify or reconsider the imposition of any limitations on its ownership of grid-based solutions. The Commission may also reconsider other aspects of the January 12, 2015 Order as a result of its reconsideration and rehearing of the issues raised by Con Edison in its petition.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

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

Public comment will be received until: 45 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.

(14-E-0302SP2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Whether to Permit the Use of the Eaton Power Xpert Multi-Point Meter for Submeter Applications

I.D. No. PSC-05-15-00004-P

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

Proposed Action: The Public Service Commission is considering whether to approve, deny or modify, in whole or in part, a petition filed by Eaton Corporation for approval to use the Eaton Power Xpert Multi-Point Meter for submetering applications.

Statutory authority: Public Service Law, section 67(1)

Subject: Whether to permit the use of the Eaton Power Xpert Multi-Point Meter for submeter applications.

Purpose: Pursuant to 16 NYCRR Parts 93 and 96, the Commission must approve the Eaton Power Xpert Multi-Point for electric submetering.

Substance of proposed rule: The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by Eaton Corporation for approval to use the Eaton Power Xpert Multi-Point Meter for submetering applications, and any other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Elaine Agresta, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, Three Empire State Plaza, Albany, NY 12223, (518) 474-6530, email: Secretary@dps.ny.gov

Public comment will be received until: 45 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.

(15-E-0003SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Cost Recovery Surcharge and Gas Safety Performance Standards

I.D. No. PSC-05-15-00005-P

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

Proposed Action: The Commission is considering a tariff filing by KeySpan Gas East Corporation d/b/a National Grid implementing a surcharge for cost recovery for leak prone pipe removal and related construction, as well as changes to gas safety performance standards.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Cost recovery surcharge and gas safety performance standards.

Purpose: To determine issues related to gas safety surcharge implementation.

Substance of proposed rule: On January 16, 2015, KeySpan Gas East Corporation d/b/a National Grid (KEDLI), in compliance with a December 15, 2014, Commission Order in Case 14-G-0214 submitted a proposal to create a surcharge to recover the costs related to leak prone pipe replacement. The Commission’s December 15, 2014, Order also notes that when considering the Company’s proposed surcharge, the Commission will consider modifications to the Company’s existing gas safety performance standards. The Commission can approve, deny or modify, in whole or in part KEDLI’s proposed surcharge, and will consider the gas safety performance standards applicable to KEDLI in their entirety, as well as any other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

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

Public comment will be received until: 45 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.

(14-G-0214SP2)

Department of State

**EMERGENCY/PROPOSED
RULE MAKING
HEARING(S) SCHEDULED**

Addition of Provisions Relating to “Sparkling Devices” to the State Uniform Fire Prevention and Building Code

I.D. No. DOS-05-15-00007-EP

Filing No. 50

Filing Date: 2015-01-20

Effective Date: 2015-01-20

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

Proposed Action: Addition of section 1228.3 to Title 19 NYCRR.

Statutory authority: Executive Law, section 377(1)

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

Specific reasons underlying the finding of necessity: This rule is adopted as an emergency measure to preserve public safety and because time is of the essence.

The State Uniform Fire Prevention and Building Code (the Uniform Code) prescribes building and fire safety requirements for buildings and structures in all parts of the State (except New York City, which has its own building code). Currently, fireworks are illegal in this State, and the Uniform Code has few provisions expressly applicable to buildings or structures where fireworks of any kind on manufactured, stored, sold or used. Chapter 477 of the Laws of 2014 amends sections 270.00 and 405.00 of the Penal Law to amend the definition of fireworks to include several categories of devices, including “sparkling devices,” and to authorize any city or county (outside New York City) to make sparkling devices legal in such city or county. Chapter 477 of the Laws of 2014 became effective on December 21, 2014, and cities and counties could begin to legalize sparkling devices at any time on or after that date.

This rule amends the Uniform Code to provide additional requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored or used. This rule also adds other restrictions on the use of “sparkling devices” intended to minimize the danger of fire in buildings and structures. Adoption of this rule on an emergency basis is necessary to protect public safety by assuring that these new requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored or used and these new restrictions on the use of “sparkling devices” intended to minimize the danger of fire in buildings and structures are added to and become enforceable parts of the Uniform Code before “sparkling devices” become legal in any city or county.

At its meeting held on January 15, 2015, the State Fire Prevention and Building Code Council determined that establishing the date of filing of the Notice of Emergency Adoption and Proposed Rule Making as the effective date of this rule is necessary to protect the public safety and to assure that the new requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored or used and the new restrictions on the use of “sparkling devices” intended to minimize the danger of fire in buildings and structures are added to and become enforceable parts of the Uniform Code before “sparkling devices” become legal in any city or county. Therefore, this rule will be effective on the date of filing of the Notice of Emergency Adoption and Proposed Rule Making of this rule.

Subject: Addition of provisions relating to “sparkling devices” to the State Uniform Fire Prevention and Building Code.

Purpose: To amend the Uniform Code to provide additional requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored or used and add other restrictions on the use of “sparkling devices”.

Public hearing(s) will be held at: 9:00 a.m., March 24, 2015 at Department of State, 99 Washington Ave., Rm. 505, Albany, 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.

Substance of emergency/proposed rule (Full text is not posted on a State website): This rule amends the State Uniform Fire Prevention and Building Code (the Uniform Code) by adding a new section 1228.3 to Part 1228 of Title 19 of the NYCRR. The provisions of new section 1228.3 apply to the possession, manufacture, storage, handling, sale, and use of sparkling devices. Any building or structure where sparkling devices are manufactured, stored, handled, sold or used shall be subject to the provisions of new section 1228.3 and to all other provisions of the Uniform Code applicable to such building or structure.

In this rule, the term “sparkling devices” has the meaning ascribed to that term by section 270.00(1)(a)(vi) of the Penal Law (as amended by Chapter 477 of the Laws of 2014), and shall include “ground-based or hand-held devices” and “novelties.”

The provisions of new section 1228.3 are in addition to, and not in limitation of, (1) all other provisions of the Uniform Code applicable to any building or structure where sparkling devices are manufactured, stored, handled, sold or used and (2) all other statutes, rules, regulations, local laws, and ordinances applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices, including but not limited to sections 270.00 and 405.00 of the Penal Law; section 392-j of the General Business Law; section 156-h of the Executive Law; Part 225

of Title 9 of the NYCRR; Part 39 of Title 12 of the NYCRR (Industrial Code Rule 39); and local laws, ordinances or regulations relating to operating permits as contemplated by 19 NYCRR section 1203.3(g). Nothing in new section 1228.3 shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in violation of any other law, statute, rule, regulation, local law or ordinance applicable to the possession, manufacture, storage, handling, sale and/or use of sparkling devices. Nothing in new section 1228.3 shall be construed as permitting the possession, manufacture, handling, sale and/or use of sparkling devices in any jurisdiction where the possession, manufacture, handling, sale and/or use of sparking devices has not been made legal in accordance with the provisions of section 405.00 of the Penal Law.

New section 1228.3 will prohibit the use of any sparkling device inside any building or structure unless (i) such sparkling device is listed for indoor use and (ii) the use of such sparkling device inside such building or structure has been approved.

New section 1228.3 will prohibit the use of any sparkling device within 10 feet of any building or structure unless (i) such sparkling device is listed for indoor use or for use within 10 feet of a building or structure and (ii) the use of such sparkling device within 10 feet of such building or structure has been approved.

New section 1228.3 will prohibit constructing retail displays of sparkling devices or offering sparkling devices for sale, upon highways, sidewalks or public property or in a Group A or E occupancy.

Sparkling devices displayed for retail sale shall not be made readily accessible to the public.

A minimum of one pressurized-water portable fire extinguisher complying with section 906 of the 2010 FCNYS shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from each area where sparkling devices are stored or displayed for retail sale.

"No Smoking" signs complying with section 310 of the 2010 FCNYS shall be conspicuously posted in each area where sparkling devices are stored or displayed for retail sale.

The code enforcement official is authorized to limit the quantity of sparkling devices permitted at a given location. In particular, but not by way of limitation, the code enforcement official is authorized to limit the quantity of sparkling devices permitted to be kept or stored at any one- or two-family dwelling, townhouse, or any building or structure containing any Group R occupancy.

No person or entity shall conduct a sparkling device display unless such person or entity shall have designated a person as the person in charge of such sparkling device display. The person in charge of a sparkling device display shall be not less than 21 years of age; shall demonstrate knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; and at the time of such sparkling device display shall not be under the influence of alcohol or drugs that impair sensory or motor skills. Whenever in the opinion of the code enforcement official or the operator a hazardous condition exists, the sparkling device display shall be discontinued immediately until such time as the dangerous situation is corrected.

The code enforcement official is authorized to require any sparkling device display or any other use of sparkling devices to be supervised at any time by the code enforcement official in order to determine compliance with all safety and fire regulations.

Sparkling devices that are being manufactured, stored, handled, stored or used in violation of any provision of new section 1228.3 or in violation of any other applicable provision of the Uniform Code may be removed and disposed of in an appropriate manner, at the expense of the owner of the sparkling devices. In a jurisdiction where the possession of sparkling devices has been made legal in accordance with the provisions of section 405.00 of the Penal Law, the code enforcement official is authorized to remove and dispose of the sparkling devices. In other jurisdictions, the sparkling devices shall be removed and disposed of by a police officer, peace officer, or other person authorized by law to do so.

Accidents involving the use of sparkling devices that result in death, personal injury or property damage shall be reported to the code enforcement official immediately.

Manufacturers of sparkling devices shall maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS.

The manufacture, assembly, and testing of sparkling devices, and facilities where the manufacture, assembly and/or testing of sparkling devices occur, shall comply with the requirements of this subdivision and NFPA 495 or NFPA 1124. Emergency plans, emergency drills, employee training and hazard communication shall conform to the provisions of new section and Sections 404, 405, 406 and 407 of the 2010 FCNYS. Detailed Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS) complying with the requirements of Section 407 of the 2010 FCNYS shall be prepared and submitted to the lo-

cal emergency planning committee, the code enforcement official, and the local fire department. A copy of the required HMMP and HMIS shall be maintained on site and furnished to the code enforcement official on request. Workers who handle or dispose of sparkling devices shall be trained in the hazards of the materials and processes in which they are to be engaged and with the safety rules governing such materials and processes. Approved emergency procedures shall be formulated for each facility where sparkling devices are manufactured, assembled and/or tested. Such procedures shall include personal instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

Whenever in the opinion of the code enforcement official or the operator a hazardous condition exists, the use of sparkling devices shall be discontinued immediately until such time as the dangerous situation is corrected.

The storage or temporary storage of sparkling devices shall comply with the applicable requirements of NFPA 1124 and, in addition, shall be subject to the provisions of subdivision (f) of new section 1228.3.

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 April 19, 2015.

Text of rule and any required statements and analyses may be obtained from: Mark Blanke, P.E., Department of State, 99 Washington Ave., Albany, NY 12231, (518) 474-4073, email: mark.blanke@dos.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: Executive Law § 378 (15)(a) provides that "no change to the [Uniform Code] shall become effective until at least ninety days after the date on which notice of such change has been published in the state register, unless the [State Fire Prevention and Building Code Council (the Code Council)] finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person."

At its meeting held on January 15, 2015, the Code Council found (1) that adoption of this rule on an emergency basis, as authorized by section 202 of the State Administrative Procedure Act, is required to preserve public safety by adding provisions to the Uniform Code relating to buildings and structures where sparkling devices will be manufactured, stored, sold and/or used, such provisions now being necessary in light of the amendment of section 270.00 and 405.00 of the Penal Law to define the term fireworks as including several categories of devices, including sparkling devices, and to authorize any city or county outside New York City to legalize sparkling devices in such city or county; and (2) that making this rule effective immediately upon the filing of the Notice of Emergency Adoption and Proposed Rule Making is required to protect health, safety and security because Chapter 477 of the Laws of 2014 (the chapter law amending sections 270.00 and 405.00 of the Penal Law) became effective on December 21, 2014 and cities and counties may begin to legalize sparkling devices at any time on or after such effective date.

Accordingly, this rule will become effective immediately upon the filing of this Notice of Emergency Adoption and Proposed Rule Making.

Regulatory Impact Statement

1. STATUTORY AUTHORITY.

Executive Law § 377(1) authorizes the State Fire Prevention and Building Code Council to amend the provisions of the New York State Uniform Fire Prevention and Building Code ("Uniform Code") from time to time.

This rule amends the Uniform Code to provide additional requirements applicable to buildings and structures where sparkling devices are manufactured, stored or used. This rule also adds other restrictions on the use of sparkling devices intended to minimize the danger of fire in buildings and structures.

2. LEGISLATIVE OBJECTIVES.

Executive Law § 378(1) directs that the Uniform Code shall address standards for the construction of "all buildings or classes of buildings, or the installation of equipment therein, including standards for materials to be used in connection therewith, and standards for safety and sanitary conditions."

Executive Law § 371(2)(b) provides that it shall be the public policy of this State "to provide for the promulgation of a uniform code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the state from hazards of fire and inadequate building construction. . . ."

Prior to the effective date of Chapter 477 of the Laws of 2014, only persons who obtained a special permit were allowed to possess, sell or use fireworks of any type. In light of this general prohibition on the possession, sale, and use of fireworks, the Uniform Code currently has few, if any, provisions relating specifically to fireworks.

Section 270.00 Of the Penal Law, as amended by Chapter 477 of the Laws of 2014, defines the term “fireworks” as including several categories of devices, including “sparkling devices.” Sections 270.00 and 405.00 of the Penal Law, as amended by Chapter 477 of the Laws of 2014, provide, in substance, that except in cities having a population in excess of 1,000,000, a city or a county may adopt enact a local law legalizing sparkling devices within such city or county. With the 2014 amendments to Sections 270.00 and 405.00 of the Penal Law, the possession, sale, and use of sparkling devices will be legal in cities and counties that elect to legalize those devices.

This rule fulfills the legislative objectives set forth in Executive Law § 378(1) and Executive Law § 371(2)(b) by amending the Uniform Code to provide additional requirements applicable to buildings and structures where sparkling devices are manufactured, stored or used; and additional requirements applicable to the use of sparkling devices intended to minimize the danger of fire in buildings and structures.

3. NEEDS AND BENEFITS.

While perhaps not as dangerous as the other categories of “fireworks” included in the amended definition in Penal Law § 270.00, sparkling devices do include pyrotechnic compositions and do present an additional risk of fire, particularly if sparkling devices are manufactured, stored or used improperly.

The 2010 edition of the Fire Code of New York State (the 2010 FCNYS) is one of the publications that currently make up the Uniform Code. The 2010 FCNYS is based on the 2006 edition of the International Fire Code (the 2006 IFC), a model code published by the International Code Council. The 2006 IFC contains an entire chapter devoted to explosives and fireworks. Because of the general prohibition against all types of fireworks in this State, the 2010 FCNYS currently contains only an abbreviated version of the 2006 IFC’s explosives and fireworks chapter.

This rule will add those provisions in the 2006 IFC’s explosives and fireworks chapter which are currently missing from the 2010 FCNYS and which, in the opinion of the Department of State and the Code Council, are required to address the additional fire and safety concerns posed by the potential legalization of sparkling devices in this State (or in certain cities and counties in this State).

4. COSTS.

It is anticipated that regulated parties will not incur any significant costs to comply with this rule initially and no significant costs to continue to comply with this rule.

For the most part, this rule will impose no significant requirements on buildings or structures where sparkling devices will be manufactured, stored, sold or used over and above those requirements imposed on such buildings or structures by other already existing provisions of the Uniform Code or by other already existing laws, statutes, rules, and regulations. Rather, this rule serves more as a clarification that those other already existing requirements will apply to buildings and structures where previously prohibited activities (the manufacture, storage, sale or use of sparkling devices) will occur. For example, new 19 NYCRR Section 1228.3(k) to be added by this rule provides that manufacturers of sparkling devices must maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. This provision will not add to the current requirements under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. Rather, this provision will simply clarify that the requirements already in existence 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS will apply to the newly-legalized activity of manufacturing sparkling devices.

Similarly, new 19 NYCRR Section 1228.3(l) to be added by this rule will clarify that certain requirements that already exist under Section 3305 of the 2010 FCNYS will apply to the manufacture, assembly, and testing of sparkling devices, and facilities where the manufacture, assembly and/or testing of sparkling devices occur.

Other provisions to be added by this rule will restrict the use of sparkling devices in ways intended to reduce fire caused by sparkling devices; it is anticipated that these provisions will impose little or no costs on regulated parties. For example, new 19 NYCRR Section 1228.3(d) will restrict the use of sparkling devices in or within 10 feet of buildings and structures; new 19 NYCRR Section 1228.3(e) will prohibit the sale of sparkling devices on highways, sidewalks or public property and in assembly occupancies and in educational occupancies; new 19 NYCRR Section 1228.3(f) will authorize the code enforcement official to limit the amount of sparkling devices in any location; new 19 NYCRR Section 1228.3(h) will authorize the code enforcement official to supervise sparkling device displays and other uses of sparkling devices; new 19 NYCRR Section 1228.3(i) will authorize the removal and disposal of sparkling devices manufactured, stored, sold or used in violation of the Uniform Code; new 19 NYCRR Section 1228.3(m) will authorize the code enforcement official to discontinue the use of sparkling devices when a hazardous conditions exists; and new 1228.3(n) will prohibit keeping or storing any sparkling devices at any place of habitation or within 100 feet thereof.

Other provisions to be added by this rule will impose certain new obligations on regulated parties; however, the Department of State anticipates that the cost of complying with these new obligations will be minimal. For example:

New Section 1228.3(e) will require places where retail sales of sparkling devices take place to have fire extinguishers and “no smoking” signs. The Department of State estimates that the cost of a fire extinguisher will be \$35 and that the annual cost of testing and maintaining a fire extinguisher will be \$10. The Department of State estimates that the cost of obtaining and posting a “no smoking” sign will be \$17.

New 19 NYCRR Section 1228.3(g) will require that sparkling device displays be conducted under the supervision of a person with knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; if a person chooses to conduct a sparkling device display, but is unwilling or unqualified to supervise the display, he or she will be required to engage the services of a person with the required knowledge of the applicable safety precautions.

New 19 NYCRR Section 1228.3(j) will require regulated parties to report accidents that result in death, personal injury or property damage to the code enforcement official.

New 19 NYCRR Section 1228.3(n) will provide that the storage of sparkling devices shall comply with the applicable requirements of NFPA 1124.

There are no costs to the Department of State for the implementation of this rule. The Department is not required to develop any additional regulations or develop any programs to implement this rule.

There are no costs to the State of New York or to local governments for the implementation of the provisions to be added by this rule, except as follows:

First, the State and all local governments are subject to the Uniform Code. If the State or any local government chooses to manufacture, store, sell or use sparkling devices, the State or such local government will have to comply with this rule to the same degree as any other regulated party.

Second, since this rule adds provisions to the Uniform Code, the authorities responsible for administering and enforcing the Uniform Code will have additional items to verify in the process of reviewing building permit applications, conducting construction inspections, and (where applicable) conducting periodic fire safety and property maintenance inspections. However, the need to verify compliance with this rule should not have a significant impact on the already existing permitting and inspection processes.

5. PAPERWORK.

New 19 NYCRR Section 1228.3(j) will require regulated parties to report accidents that result in death, personal injury or property damage to the code enforcement official.

6. LOCAL GOVERNMENT MANDATES.

This rule will not impose any new program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district, except as follows:

First, if any county, city, town, village, school district, fire district or other special district chooses to manufacture, store, sell or use sparkling devices, such county, city, town, village, school district, fire district or other special district will have to comply with this rule to the same degree as any other regulated party.

Second, cities, towns and villages (and sometimes counties) are charged by Executive Law section 381 with the responsibility of administering and enforcing the Uniform Code. Since this rule adds provisions to the Uniform Code, the aforementioned local governments will be responsible for administering and enforcing the requirements of this rule along with all other provisions of the Uniform Code.

The rule does not otherwise impose any new program, service, duty or responsibility upon any county, city, town, village, school district, fire district or other special district.

7. DUPLICATION.

As discussed in the “Costs” section of this Regulatory Impact Statement, this rule will clarify that certain Federal and State requirements already in existence will apply to newly legalized activities (the manufacture, storage, sale, and use of sparkling devices) and to buildings and structures where those activities will occur. However, the Department of State believes that such clarification is appropriate because the Uniform Code does not currently have any provisions expressly addressing sparkling devices.

The rule does not otherwise duplicate any existing Federal or State requirement.

8. ALTERNATIVES.

The alternative of adding no new provisions expressly dealing with sparkling devices was considered. However, since the recent amendments to the Penal Law will legalize sparkling devices in cities and counties that so elect, the Department of State determined that the issuance of a rule both clarifying that certain requirements already in existence will apply to

buildings where this newly legalized activity will occur and adding certain new restrictions on the use of the newly legalized devices, was more appropriate.

The alternative of incorporating all of the currently omitted provisions in the 2006 IFC's chapter on explosives and fireworks was considered. However, since the recent amendments to the Penal Law legalize one category of fireworks, the Department of State determined that adding only those provisions appropriate for sparkling devices was more appropriate.

9. FEDERAL STANDARDS.

There are no standards of the Federal Government which address the subject matter of the rule. The United States Consumer Product Safety Commission, the United States Department of Labor, and the United States Department of Transportation regulate fireworks, but do not address building code-related topics.

10. COMPLIANCE SCHEDULE.

The Department of State anticipates that regulated parties will be able to comply with this rule immediately.

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

Section 270.00 of the Penal Law, as amended by Chapter 477 of the Laws of 2014, defines "fireworks" as including certain categories of devices, including "sparkling devices." Section 405.00 of the Penal Law, as amended by Chapter 477 of the Laws of 2014, permits cities and counties outside New York City to provide that "sparkling devices" will be legal in such city or county. This rule amends the State Fire Prevention and Building Code to provide additional requirements applicable to buildings and structures where "sparkling devices" are manufactured, stored or used. This rule also adds other restrictions on the use of "sparkling devices" intended to minimize the danger of fire in buildings and structures.

This rule will affect any small business or local government that owns a building or structure in which sparkling devices will be manufactured, stored, sold or used. The number of small businesses and local governments that will be affected will depend on the number of cities and counties that choose to make sparkling devices legal and on the number of small businesses in those cities and counties that choose to manufacture, store, sell or use sparkling devices. The Department of State is not able to estimate the number of small businesses and local governments that will be so affected.

Since this rule adds provisions to the Uniform Code, each local government that is responsible for administering and enforcing the Uniform Code will be affected by this rule. The Department of State estimates that approximately 1,600 local governments (mostly cities, towns and villages, as well as several counties) are responsible for administering and enforcing the Uniform Code.

2. COMPLIANCE REQUIREMENTS:

New 19 NYCRR Section 1228.3(e) will require places where retail sales of sparkling devices take place to have fire extinguishers and "no smoking" signs.

New 19 NYCRR Section 1228.3(g) will require sparkling device displays to be conducted under the supervision of a person with knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; if a person chooses to conduct a sparkling device display, but is unwilling or unqualified to supervise the display, he or she will be required to engage the services of a person with the required knowledge of the applicable safety precautions.

New 19 NYCRR Section 1228.3(n) will provide that the storage of sparkling devices shall comply with the applicable requirements of NFPA 1124.

New 19 NYCRR Section 1228.3(j) will require regulated parties to report accidents that result in death, personal injury or property damage to the code enforcement official. No other reporting or record keeping requirements are imposed upon regulated parties by the rule. (Note: New 19 NYCRR Section 1228.3(k) to be added by this rule provides that manufacturers of sparkling devices must maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. This provision will not add to the current requirements under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. Rather, this provision will simply clarify that the requirements already in existence under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS will apply to the newly-legalized activity of manufacturing sparkling devices.)

Since this rule amends the Uniform Code, local governments that administer and enforce the Uniform Code will be required to check for compliance with this rule when reviewing applications for building permits, when performing construction inspections, and when performing periodic fire safety and property maintenance inspections.

3. PROFESSIONAL SERVICES:

No professional services will be required to comply with the rule.

4. COMPLIANCE COSTS:

For the owner of a building where retail sales of sparkling devices will occur, the initial capital costs of complying with the rule will include the cost of purchasing and installing the fire extinguishers and "no smoking" signs. The Department of State estimates that the cost of purchasing and installing a fire extinguisher will be \$35 and the cost of purchasing and installing a "no smoking" sign will be \$17. Such costs are not likely to vary for small businesses or local governments of different types and differing sizes.

For the owner of a building where retail sales of sparkling devices will occur, the annual costs of complying with this rule will include the cost of testing and maintaining the fire extinguishers. The Department of State estimates that the annual cost of testing and maintaining a fire extinguisher will be \$10. Such costs are not likely to vary for small businesses or local governments of different types and differing sizes.

A person who conducts a sparkling device display must either have knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; or designate a person who has such knowledge to supervise the display. The qualifications to supervise a display are minimal: such person must be at least 21 years of age; and demonstrate knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; and at the time of such sparkling device display must not be under the influence of alcohol or drugs that impair sensory or motor skills. Therefore, the Department of State anticipates that in most cases, the person conducting the display will be qualified to act as the person in charge. The Department of State also anticipates that even where a third party is designated as the person in charge, the fee, if any, charged by such person will be minimal in most cases.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

It is economically and technologically feasible for regulated parties to comply with the rule. No substantial capital expenditures are imposed and no new technology need be developed for compliance.

6. MINIMIZING ADVERSE IMPACT:

Prior to the enactment of Chapter 477 of the Laws of 2014, all fireworks were, for the most part, illegal in this State (exceptions were made for fireworks used pursuant to a permit issued under section 405.00 of the Penal Law). As a result of Chapter 477 of the Laws of 2014, sparkling devices will be legal in cities and counties that elect to legalize such devices.

The 2010 edition of the Fire Code of New York State (the 2010 FCNYS) is one of the publications that currently make up the Uniform Code. The 2010 FCNYS is based on the 2006 edition of the International Fire Code (the 2006 IFC), a model code published by the International Code Council. The 2006 IFC contains an entire chapter devoted to explosives and fireworks. Because of the general prohibition against all types of fireworks in this State, the 2010 FCNYS currently contains only an abbreviated version of the 2006 IFC's explosives and fireworks chapter.

This rule will add those provisions in the 2006 IFC's explosives and fireworks chapter which are currently missing from the 2010 FCNYS and which, in the opinion of the Department of State and the Code Council, are required to address the additional fire and safety concerns posed by the potential legalization of sparkling devices in this State (or in certain cities and counties in this State).

The alternative of incorporating all of the currently omitted provisions in the 2006 IFC's chapter on explosives and fireworks was considered. However, since the recent amendments to the Penal Law legalize one category of fireworks, the Department of State determined that adding only those provisions appropriate for sparkling devices was more appropriate.

The establishment of differing compliance requirements or timetables with respect to buildings owned or operated by small businesses or local governments was not considered because the fire and safety-related requirements to be imposed by this rule apply without regard to the identity of the owner of the building or structure where sparkling devices are to be manufactured, stored, sold or used.

Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The Department of State notified interested parties throughout the State of the proposed adoption of this rule by means of notices posted on the Department's website and notices published in Building New York, a monthly electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry.

8. VIOLATIONS AND PENALTIES ASSOCIATED WITH VIOLATIONS:

This rule will neither establish or modify a violation nor establish or modify penalties associated with a violation. Therefore, for the purposes of Chapter 524 of the Laws of 2011 and subdivision 1-a of section 202-b of the State Administrative Procedure Act, this rule is not required to

include a cure period or other opportunity for ameliorative action, the successful completion of which will prevent the imposition of penalties on the party or parties subject to enforcement.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

Section 270.00 of the Penal Law, as amended by Chapter 477 of the Laws of 2014, defines "fireworks" as including certain categories of devices, including "sparkling devices." Section 405.00 of the Penal Law, as amended by Chapter 477 of the Laws of 2014, permits cities and counties outside New York City to provide that "sparkling devices" will be legal in such city or county. This rule amends the State Fire Prevention and Building Code to provide additional requirements applicable to buildings and structures where "sparkling devices" are manufactured, stored or used. This rule also adds other restrictions on the use of "sparkling devices" intended to minimize the danger of fire in buildings and structures. Since the Uniform Code applies in all areas of the State (other than New York City), this rule will apply in all rural areas of the State.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS.

New 19 NYCRR Section 1228.3(e) will require places where retail sales of sparkling devices take place to have fire extinguishers and "no smoking" signs.

New 19 NYCRR Section 1228.3(g) will require that sparkling device displays be conducted under the supervision of a person with knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; if a person chooses to conduct a sparkling device display but is unwilling or unqualified to supervise the display, he or she will be required to engage the services of a person with the required knowledge of the applicable safety precautions.

New 19 NYCRR Section 1228.3(n) will provide that the storage of sparkling devices shall comply with the applicable requirements of NFPA 1124.

New 19 NYCRR Section 1228.3(j) will require regulated parties to report accidents that result in death, personal injury or property damage to the code enforcement official. No other reporting or record keeping requirements are imposed upon regulated parties by the rule. (Note: New 19 NYCRR Section 1228.3(k) to be added by this rule provides that manufacturers of sparkling devices must maintain records of chemicals, chemical compounds and mixtures required by the U.S. Department of Labor regulations set forth in 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS. This provision will not add to the current requirements under 29 CFR Part 1910.1200 and Section 407 of the 20p10 FCNYS. Rather, this provision will simply clarify that the requirements already in existence under 29 CFR Part 1910.1200 and Section 407 of the 2010 FCNYS will apply to the newly-legalized activity of manufacturing sparkling devices.)

3. COMPLIANCE COSTS.

For the owner of a building where retail sales of sparkling devices will occur, the initial capital costs of complying with the rule will include the cost of purchasing and installing the fire extinguishers and "no smoking" signs. The Department of State estimates that the cost of purchasing and installing a fire extinguisher will be \$35 and the cost of purchasing and installing a "no smoking" sign will be \$17. Such costs are not likely to vary for small businesses or local governments of different types and differing sizes.

For the owner of a building where retail sales of sparkling devices will occur, the annual costs of complying with this rule will include the cost of testing and maintaining the fire extinguishers. The Department of State estimates that the annual cost of testing and maintaining a fire extinguisher will be \$10. Such costs are not likely to vary for small businesses or local governments of different types and differing sizes.

A person who conducts a sparkling device display must either have knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; or designate a person who has such knowledge to supervise the display. The qualifications to supervise a display are minimal: such person must be at least 21 years of age; must demonstrate knowledge of all safety precautions related to the storage, handling, and use of sparkling devices; and at the time of such sparkling device display must not be under the influence of alcohol or drugs that impair sensory or motor skills. Therefore, the Department of State anticipates that in most cases, the person conducting the display will be qualified to act as the person in charge. The Department of State also anticipates that even where a third party is designated as the person in charge, the fee, if any, charged by such person will be minimal in most cases.

4. MINIMIZING ADVERSE IMPACT.

Prior to the enactment of Chapter 477 of the Laws of 2014, all fireworks were, for the most part, illegal in this State (exceptions were made for fireworks used pursuant to a permit issued under section 405.00 of the Penal Law). As a result of Chapter 477 of the Laws of 2014, sparkling devices will be legal in cities and counties that elect to legalize such devices.

The 2010 edition of the Fire Code of New York State (the 2010 FCNYS) is one of the publications that currently make up the Uniform Code. The 2010 FCNYS is based on the 2006 edition of the International Fire Code (the 2006 IFC), a model code published by the International Code Council. The 2006 IFC contains an entire chapter devoted to explosives and fireworks. Because of the general prohibition against all types of fireworks in this State, the 2010 FCNYS currently contains only an abbreviated version of the 2006 IFC's explosives and fireworks chapter.

This rule will add those provisions in the 2006 IFC's explosives and fireworks chapter which are currently missing from the 2010 FCNYS and which, in the opinion of the Department of State and the Code Council, are required to address the additional fire and safety concerns posed by the potential legalization of sparkling devices in this State (or in certain cities and counties in this State).

The alternative of incorporating all of the currently omitted provisions in the 2006 IFC's chapter on explosives and fireworks was considered. However, since the recent amendments to the Penal Law legalize one category of fireworks, the Department of State determined that adding only those provisions appropriate for sparkling devices was more appropriate.

The establishment of differing compliance requirements or timetables with respect to buildings and operations in rural areas was not considered because the fire and safety-related requirements to be imposed by this rule apply without regard to the location of the building or structure where sparkling devices are to be manufactured, stored, sold or used.

Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

5. RURAL AREA PARTICIPATION.

The Department of State notified interested parties throughout the State of the proposed adoption of this rule by means of notices posted on the Department's website and notices published in Building New York, a monthly electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry.

Job Impact Statement

The Department of State has concluded after reviewing the nature and purpose of the rule that it will not have a "substantial adverse impact on jobs and employment opportunities" (as that term is defined in section 201-a of the State Administrative Procedures Act) in New York.

This rule amends the State Uniform Fire Prevention and Building Code (the Uniform Code) to provide additional requirements applicable to buildings and structures where sparkling devices are manufactured, stored or used. This rule also adds other restrictions on the use of sparkling devices intended to minimize the danger of fire in buildings and structures.

For the most part, this rule will impose no significant requirements on buildings or structures where sparkling devices will be manufactured, stored, sold or used over and above those requirements imposed on such buildings or structures by other already existing provisions of the Uniform Code or by other already existing laws, statutes, rules, and regulations. Rather, this rule serves more as a clarification that those other already existing requirements will apply to buildings and structures where previously prohibited activities (the manufacture, storage, sale or use of sparkling devices) will occur.

Other provisions to be added by this rule will restrict the use of sparkling devices in ways intended to reduce fire caused by sparkling devices; it is anticipated that these provisions will impose little or no costs on regulated parties.

Other provisions to be added by this rule will impose certain new obligations on regulated parties; however, the Department of State anticipates that the cost of complying with these new obligations will be minimal. For example, new Section 1228.3(e) will require places where retail sales of sparkling devices take place to have fire extinguishers and "no smoking" signs. The Department of State estimates that the cost of a fire extinguisher will be \$35 and that the annual cost of testing and maintaining a fire extinguisher will be \$10. The Department of State estimates that the cost of obtaining and posting a "no smoking" sign will be \$17.

Therefore, this rule should have no substantial adverse impact on the cost of buildings or structures where sparkling devices will be manufactured, stored, sold or used and, consequently, this rule should have no substantial adverse impact on jobs and employment opportunities related to the manufacture, storage, sale or use of sparkling devices.

State University of New York

NOTICE OF ADOPTION

Tuition and Fees at State-Operated Units of State University

I.D. No. SUN-47-14-00009-A

Filing No. 45

Filing Date: 2015-01-14

Effective Date: 2015-02-04

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

Action taken: Amendment of section 302.1(a) of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(b) and (h)

Subject: Tuition and fees at State-operated units of State University.

Purpose: To amend the in-state tuition rates where so required under State or Federal law.

Text or summary was published in the November 26, 2014 issue of the Register, I.D. No. SUN-47-14-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Adirondack Park Agency		
APA-05-15-00006-P	Emergency projects	Adirondack Park Agency, 1133 Rte. 86, Ray Brook, NY—March 4, 2015, 6:00 p.m. Department of Environmental Conservation, 625 Broadway, Rm. 129, Albany, NY—March 5, 2015, 2:00 p.m.
Environmental Conservation, Department of		
ENV-52-14-00027-P	Control of criteria air contaminants and toxic air contaminants from general process air pollution sources	Department of Environmental Conservation Headquarters, 625 Broadway, Public Assembly, Rms. 129 A and B, Albany, NY—Feb. 4, 2015, 1:00 p.m. Department of Environmental Conservation Region 2 Office, One Hunters Point Plaza, 47-40 21st St., Rm. 834, Long Island City, NY—Feb. 5, 2015, 9:00 a.m. Department of Environmental Conservation Region 7 Office, 615 Erie Blvd., West Syracuse, NY—Feb. 6, 2015, 1:00 p.m. Sheridan Parkside Community Center, 169 Sheridan Parkside Dr., Tonawanda, NY—Feb. 9, 2015, 4:00 p.m.
Liquor Authority, State		
LQR-02-15-00002-P	Signage, services and gifts to retailers	State Liquor Authority, 317 Lenox Ave., New York, NY—March 10, 2015, 10:00 a.m.
Long Island Power Authority		
LPA-02-15-00006-P	Provisions of LIPA’s tariff for adjustment to rates and changes of service classifications	Long Island Power Authority, H. Lee Denison Bldg., 100 Veterans Memorial Hwy., Hapeeage, NY—March 4, 2015, 10:00 a.m. Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—March 4, 2015, 2:00 p.m.
People with Developmental Disabilities, Office for		
PDD-02-15-00007-EP	Direct care and clinical compensation payments	Office for People with Developmental Disabilities, 44 Holland Ave., Counsel’s Office Conference Rm., Albany, NY—March 2, 2015, 12:30 p.m. Office for People with Developmental Disabilities, 44 Holland Ave., Counsel’s Office Conference Rm., Albany, NY—March 3, 2015, 12:30 p.m.
PDD-02-15-00008-EP	Updates to SSI offset and SNAP benefit offset	Office for People with Developmental Disabilities, 44 Holland Ave., Counsel’s Office Conference Rm., Albany, NY—March 2, 2015, 11:00 a.m. Office for People with Developmental Disabilities, 44 Holland Ave., Counsel’s Office Conference Rm., Albany, NY—March 3, 2015, 11:00 a.m.

Public Service Commission

PSC-04-15-00012-P	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—April 8, 2015, 10:30 a.m. (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 14-G-0503.
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State, Department of

DOS-02-15-00004-EP	Use of truss type, pre-engineered wood or timber construction in residential structures	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—March 2, 2015, 10:00 a.m.
DOS-04-15-00004-EP	Issuance of an order to remedy a violation of the Uniform Code	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—March 20, 2015, 9:00 a.m.
DOS-05-15-00007-EP	Addition of provisions relating to “sparkling devices” to the State Uniform Fire Prevention and Building Code	Department of State, 99 Washington Ave., Rm. 505, Albany, NY—March 24, 2015, 9:00 a.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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ADIRONDACK PARK AGENCY

APA-05-15-00006-P 03/04/16	Emergency projects	The purpose of the proposed rule is to define when jurisdictional land use and development constitutes an emergency project.
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-05-15-00002-P 02/04/16	Incorporation by reference of the 2013 edition of the Grade A Pasteurized Milk Ordinance ("PMO")	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2013 edition of the PMO
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AUDIT AND CONTROL, DEPARTMENT OF

AAC-48-14-00001-P 12/03/15	Property Location Agreements	To conform terminology and to reflect an amendment made to EPTL section 13-2.3
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CABLE TELEVISION, COMMISSION ON

*CTV-23-94-00009-P exempt	Rates for basic service and equipment of Adelphia Communications - Aurora system	To determine whether the company's rates for basic service and equipment are justified
*CTV-23-94-00010-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Chautauqua system	To determine whether the company's rates for basic service and equipment are justified
*CTV-23-94-00011-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Grand Island system	To determine whether the company's rates for basic service and equipment are justified
*CTV-23-94-00012-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Riverview system	To determine whether the company's rates for basic service and equipment are justified
*CTV-23-94-00030-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island/V-Cable/Shelter Island system	To determine whether the company's rates for basic service and equipment are justified
*CTV-23-94-00035-P	..... exempt	Rates for basic service and equipment of C-TEC Corp. - C-TEC Cable system	To determine whether the company's rates for basic service and equipment are justified

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*CTV-24-94-00013-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island - Riverhead system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00026-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00034-P	..... exempt	Rates for basic service and equipment of Cablevision System Corp. - Long Island/V-Cable system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00037-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - International system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00042-P	..... exempt	Rates for basic service and equipment of Adelphia Communications/Resort system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00043-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Hoosick system	To determine whether the company's rates for basic service and equipment are justified
*CTV-24-94-00051-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Long Island/Great Neck system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00015-P	..... exempt	Rates for basic service and equipment of Selectavision of Cazenovia - Cazenovia system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00021-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - A-R Cable Services-NY, Inc. Lynbrook system	To determine whether the company's rates for basic and equipment are justified
*CTV-25-94-00023-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - Dutchess system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00026-P	..... exempt	Rates for basic service and equipment of Adelphia Communications - Harbor Vue system	To determine whether the company's rates for basic service and equipment are justified
*CTV-25-94-00033-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp. - East Hampton system	To determine whether the company's rates for basic service and equipment are justified
*CTV-27-94-00029-P	..... exempt	Rates for basic service and equipment of Cablevision Systems Corp.-Huntington system	To determine whether the company's rates for basic service and equipment are justified
*CTV-27-94-00031-P	..... exempt	Rates for basic service and equipment of Adelphia Communications-Niagara system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00017-P	..... exempt	Rates for basic service and equipment of Time Warner - ATC - ACC Dryden system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00018-P	..... exempt	Rates for basic service and equipment of Adelphia Communications-Aurora, Chautauqua, Grand Island, Harbor Vue, Hoosick, International, Niagara, Resort and River Valley systems	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00019-P	..... exempt	Rates for basic service and equipment of C-Tec Cable Corp.-C-Tec Cable system	To determine whether the company's rates for basic service and equipment are justified

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CABLE TELEVISION, COMMISSION ON			
*CTV-39-94-00023-P	..... exempt	Rates for basic service and equipment of United Video Cablevision of New York-Community Cable system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00033-P	..... exempt	Rates for basic service and equipment of Simmons Communications-Simmons Cable-Salamanca system	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00035-P	..... exempt	Rates for basic service and equipment of TKR Cable Company-Ramapo, Rockland and Warwick systems	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00037-P	..... exempt	Rates for basic service and equipment of U.S. Cable Corp.-Evangola, Westfield and Tri - County/Arcade systems	To determine whether the company's rates for basic service and equipment are justified
*CTV-39-94-00039-P	..... exempt	Rates for basic service and equipment of Time Warner-Warner Communications/Olean system	To determine whether the company's rates for basic service and equipment are justified
*CTV-45-94-00010-P	..... exempt	Rates for basic service and equipment of Cablevision Industries, Inc.-Genesee/Tri-County/Medina system	To determine whether the company's rates for basic service and equipment are justified
CIVIL SERVICE, DEPARTMENT OF			
CVS-20-14-00003-P	..... 05/21/15	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-25-14-00003-P	..... 06/25/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00001-P	..... 07/30/15	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-30-14-00002-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-14-00003-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-30-14-00004-P	..... 07/30/15	Jurisdictional Classification	To delete and classify positions in the exempt class and to delete and classify positions in the non-competitive class
CVS-30-14-00005-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-14-00006-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-14-00007-P	..... 07/30/15	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-30-14-00008-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00009-P	..... 07/30/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00010-P 07/30/15	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-30-14-00011-P	07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-14-00012-P	07/30/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00013-P	07/30/15	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-14-00005-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00006-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00007-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00008-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00009-P	11/05/15	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-14-00010-P	11/05/15	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-14-00011-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00012-P	11/05/15	Jurisdictional Classification	To delete a heading and positions from the exempt class
CVS-44-14-00013-P	11/05/15	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-14-00014-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00015-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00016-P	11/05/15	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-14-00017-P	11/05/15	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-14-00018-P	11/05/15	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-47-14-00002-P	11/26/15	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-47-14-00003-P	11/26/15	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-47-14-00004-P	11/26/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-14-00005-P	11/26/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-14-00006-P	11/26/15	Jurisdictional Classification	To delete a subheading and positions from the exempt class
CVS-47-14-00007-P	11/26/15	Jurisdictional Classification	To classify a position in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-15-00004-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-15-00005-P	01/07/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-15-00006-P	01/07/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-15-00007-P	01/07/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-15-00008-P	01/07/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-01-15-00009-P	01/07/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-15-00021-P	01/07/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-15-00022-P	01/07/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-01-15-00023-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
*CCS-02-14-00003-P	01/15/15	Privileged Correspondence	Add the definition for "Rape Crisis Program"
*CCS-02-14-00004-P	01/15/15	Inmate Telephone Calls	Add the provision that an inmate may add attorney or DOH approved Rape Crisis Program to their telephone list
CCS-41-14-00007-P	10/15/15	Monterey Correctional Facility (CF), Chateaugay CF, Mt. McGregor CF, Butler CF	To remove references to Correctional Facilities that are no longer in operation
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-46-14-00001-EP	11/19/15	Empire State Musical and Theatrical Production Tax Credit Program	Establish application procedures for the Empire State Musical and Theatrical Production Tax Credit Program
EDV-03-15-00001-P	01/21/16	Empire State Post Production Tax Credit Program	Establish application procedure for the Empire State Post Production Tax Credit Program
EDUCATION DEPARTMENT			
EDU-08-14-00020-P	02/26/15	Hearings on charges of tenured school employees	To allow, under certain circumstances, tenured teachers and principals to raise as a defense in a section 3020-a hearing that their school district failed to timely implement the Common Core in the 2012-2013 and/or 2013-2014 school years
EDU-19-14-00009-P	05/14/15	Mandatory reporting of information regarding possession, sale, use or manufacture of illegal drugs on school property/functions	To establish a mandatory reporting requirement for school personnel, sanctions for noncompliance, and protection for school personnel who report

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-27-14-00013-EP	07/09/15	Elementary and Secondary Education Act (ESEA) Flexibility and school and school district accountability	Conform regulations to State's ESEA Flexibility Waiver Renewal with respect to school and district removal criteria
EDU-48-14-00007-ERP	12/03/15	New York State Common Core Learning Standards (CCLS) in mathematics	To provide additional flexibility in the transition to the Common Core-aligned Regents Examination in Algebra 1
EDU-48-14-00008-P	12/03/15	Field tests for State assessments, alternate assessments and Regents examinations	To clarify that school districts must administer field tests in the schools for which they are assigned
EDU-48-14-00009-P	12/03/15	Professional development requirements for teachers, level III teaching assistants and administrators	To establish professional development requirements for teachers, holders of a level III teaching assistant certificate, and administrators, in language acquisition that specifically addresses the needs of students who are English Language Learners (ELLs)
EDU-52-14-00012-P	12/31/15	Local high school equivalency diplomas based upon experimental programs	To extend until 6/30/17 the provision for awarding local high school equivalency diplomas based upon experimental programs
EDU-52-14-00014-EP	12/31/15	Determination of student residency	Clarify requirements on student enrollment, particularly as to procedures for unaccompanied minors and other undocumented youth
EDU-52-14-00015-EP	12/31/15	Profession of Applied Behavior Analysis	To implement Chapter 554 of the Laws of 2013 and Chapter 8 of the Laws of 2014
EDU-52-14-00028-P	12/31/15	Certification requirements for teaching assistants	To provide extensions in one year increments on the validity of a Level II teaching assistant certificate for candidates pursuing citizenship; define "school year"; and eliminate the words "without fee" in the definition of internship certificate
EDU-01-15-00011-P	01/07/16	Epinephrine auto-injectors	Prescribe standards for provision, maintenance, and administration of epinephrine auto-injectors in the event of an emergency
EDU-04-15-00007-P	01/28/16	Use of Department Facilities in the Cultural Education Center	To prescribe standards for the use of Cultural Education Center facilities
EDU-05-15-00008-P	02/04/16	Requirements for teacher certification	To provide teacher candidates with additional flexibility to use the safety net for the teacher performance assessment.(edTPA)
EDU-05-15-00009-P	02/04/16	Tuition Assistance Program	Establishment of standards for a student to regain good academic standing for the purposes of receiving awards under TAP
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-37-13-00005-RP	01/28/15	Liquefied Natural Gas (LNG)	To establish criteria for the siting of and to require DEC permits for LNG facilities per ECL Article 23, Title 17
ENV-31-14-00006-P	10/14/15	Petroleum Bulk Storage (PBS) and Used Oil Management	To harmonize existing State requirements with overlapping Federal requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-31-14-00007-P	10/14/15	Chemical Bulk Storage	To amend existing CBS rule to be at least as stringent as EPA federal rule (40 CFR 280) and include NYS 2008 statutory changes
ENV-41-14-00003-P	10/15/15	Sportfish activities and associated activities	To revise sportfishing regulations & associated activities including the commercial collection, sale and use of baitfish
ENV-46-14-00002-EP	11/19/15	To amend part 189 related to the discovery of chronic wasting disease in deer in Ohio	To prevent importation of chronic wasting disease infectious material from the State of Ohio into New York
ENV-47-14-00001-P	11/26/15	The management of coastal sharks	Make state regulations consistent with federal rules and maintain compliance with the ASMFC Interstate FMP for Coastal Sharks
ENV-48-14-00005-P	01/27/16	Water quality standards for Class I and Class SD waters in New York City and Suffolk County	To amend New York's water quality standards for Class I and Class SD waters to meet the "swimmable" goal of the Clean Water Act
ENV-52-14-00027-P	02/09/16	The control of criteria air contaminants and toxic air contaminants from general process air pollution sources	To clearly define the federal and state requirements of the existing Part 212 rule, General Process Emission Sources
ENV-04-15-00006-P	01/28/16	Regulations governing the recreational harvest of winter flounder	Extend the recreational winter flounder fishing open season from April 1 - May 30 to March 1 - December 31

FINANCIAL SERVICES, DEPARTMENT OF

DFS-29-14-00014-P	07/23/15	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
DFS-29-14-00015-P	07/23/15	Regulation of the conduct of virtual currency businesses	Regulate retail-facing virtual currency business activity in order to protect New York consumers and users and ensure the safety and soundness of New York licensed providers of virtual currency products and services
DFS-46-14-00013-P	11/19/15	Reports to Central Organization	To remove an outdated references to "PILR" in the title of section 62-2.2
DFS-52-14-00009-P	12/31/15	Independent Dispute Resolution for Emergency Services and Surprise Bills	To establish a dispute resolution process and standards for that process
DFS-04-15-00005-P	01/28/16	Life insurance reserves	To modernize the current regulatory scheme with respect to universal life insurance with secondary guarantee reserves

GAMING COMMISSION, NEW YORK STATE

*SGC-49-13-00010-P	01/21/15	Per Se regulatory standardbred threshold limited to 24 drugs, special corticosteroid rules	To enhance the integrity and safety of standardbred horse racing by limiting standardbred equine drugs
*SGC-49-13-00012-P	01/21/15	Per Se regulatory standardbred threshold and restricted time period for betamethasone and triamcinolone acetonide	To enhance the integrity and safety of standardbred horse racing with new corticosteroid rules

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
*SGC-49-13-00013-P	01/21/15	Per Se regulatory standardbred threshold and restricted time period for dexamethasone and prednisolone	To enhance the integrity and safety of standardbred horse racing with new corticosteroid rules
*SGC-49-13-00016-P	01/21/15	Per Se regulatory standardbred threshold and restricted time period for various drugs	To enhance the integrity and efficiency of standardbred horse racing with new equine drug rules
*SGC-49-13-00023-P	01/21/15	Restricted time period for administrations of unspecified corticosteroids to thoroughbred horses	To enhance the integrity and safety of thoroughbred horse racing
SGC-28-14-00006-EP	07/16/15	Implementation of rules pertaining to gaming facility request for application and gaming facility license application	To facilitate a fair and transparent process for applying for a license to operate a gaming facility
GENERAL SERVICES, OFFICE OF			
GNS-36-14-00001-P	09/10/15	Procurement of New York State food products	To provide guidance to State Agencies as to how they procure food
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-08-14-00001-RP	02/26/15	Physician Assistants and Specialist Assistants	Allows LPAs to prescribe controlled substances (including Schedule II) to patients under the care of the supervising physician
HLT-28-14-00008-P	07/16/15	Immediate Needs for Personal Care Services	To provide for meeting the immediate needs of Medicaid applicants and recipients for personal care services
HLT-28-14-00015-ERP	07/16/15	Rate Rationalization – Intermediate Care Facilities for Persons with Developmental Disabilities	To amend the new rate methodology effective July 1, 2014
HLT-28-14-00016-ERP	07/16/15	Rate Rationalization for Community Residences/Individualized Residential Alternatives Habilitation and Day Habilitation	To amend the new rate methodology effective July 1, 2014
HLT-29-14-00013-P	07/23/15	Amendment of Certificate of Need (CON) Applications	To eliminate requirement for Public Health & Health Planning Council review of certain types of amendments to CON applications
HLT-31-14-00002-P	08/06/15	Outpatient Services Licensed Under the Mental Hygiene Law	Creates methodology for adjusting provider reimbursement in OPWDD, OHM & OASAS certified clinics based on annual patient visits
HLT-32-14-00001-P	08/13/15	Blood Banks	Update practice standards, reflect changes and provide clarification of reg. provisions for blood banks and transfusion services
HLT-35-14-00002-P	09/03/15	Statewide Health Information Network for New York (SHIN-NY)	To promulgate regulations, consistent with federal law and policies, that govern the Statewide Health Information Network for NY
HLT-36-14-00012-P	09/10/15	Personal Care Services Program (PCSP) and Consumer Directed Personal Assistance Program (CDPAP)	To establish definitions, criteria and requirements associated with the provision of continuous PC and continuous CDPA services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-37-14-00003-P	09/17/15	Emergency Medical Services	To clarify terminology, eliminate vagueness, address legal statutes/crimes & incorp. modern professional, ethical & moral standards
HLT-39-14-00018-P	10/01/15	Medical Records Access Review Committees (MRARCs)	To designate rather than appoint MRARCs to hear appeals from the denial of access to patient information
HLT-40-14-00016-P	10/08/15	Inpatient Rate for Language Assistance Services	To establish hospital inpatient payment rate to reimburse hospitals for the costs of providing language interpretation services
HLT-40-14-00017-P	10/08/15	Nursing Home (NH) Transfer and Discharge Rights	To clarify requirements governing NH transfers and discharges so that facilities will uniformly comply with federal regulations
HLT-40-14-00018-P	10/08/15	Managed Care Organizations	To lower the contingent reserve requirement applied to the Medicaid Managed Care, Family Health Plus & HIV SNP Programs
HLT-41-14-00002-P	10/15/15	Certificate of Need (CON) Requirements	Simplify CON review requirements for projects involving nonclinical infrastructure, equipment replacement & repair & maintenance
HLT-42-14-00001-P	10/22/15	Audited Financial Statements for Managed Care Organizations	To extend audit and reporting standards to all managed care organizations (MCOs), including PHSPs, HIV SNPs and MLTCPs
HLT-43-14-00001-P	10/29/15	Hospital Observation Services	To amend current observation services provisions to be in compliance with changes in Public Health Law, Section 2805-v
HLT-50-14-00001-P	12/17/15	Transgender Related Care and Services	To authorize Medicaid coverage for transgender related care and services
HLT-52-14-00013-P	12/31/15	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
HIGHER EDUCATION SERVICES CORPORATION			
ESC-52-14-00016-P	12/31/15	Default fee	To repeal section 2101.5 of Title 8 of the NYCRR as obsolete
ESC-52-14-00017-P	12/31/15	New York State Math and Science Teaching Incentive Program	To delete an outdated and incorrect reference
ESC-52-14-00018-P	12/31/15	Volunteer Recruitment Service Scholarships Program	To repeal section 2201.11 of Title 8 of the NYCRR as obsolete
ESC-01-15-00003-P	01/07/16	Adjustments to income	To delete incorrect references
LIQUOR AUTHORITY, STATE			
LQR-02-15-00002-P	03/09/16	Signage, Services and Gifts to Retailers	To enact business friendly amendments; eliminate interior sign restrictions; and increase annual dollar limits for advertising
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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-02-15-00006-P	..... exempt	The provisions of LIPA's Tariff for adjustment to rates and changes of service classifications	To modify and add to the Tariff in order to implement revenue-neutral changes required to maintain the 3-year LIPA rate freeze
MENTAL HEALTH, OFFICE OF			
OMH-38-14-00001-P	..... 09/24/15	Telepsychiatry services in OMH-licensed clinics	Establish basic standards and parameters to approve telepsychiatry in OMH-licensed clinic programs choosing to offer this service
OMH-02-15-00003-P	..... 01/14/16	Clinic Treatment Programs	Amend reimbursement structure for delivery of psychotherapy services; eliminate utilization threshold for court-mandated svcs
OMH-04-15-00002-P	..... 01/28/16	Prevention of Influenza Transmission	Provide clarification and flexible system for documentation
MOTOR VEHICLES, DEPARTMENT OF			
MTV-48-14-00006-P	..... 12/03/15	Relicensing after revocation	To clarify and strengthen criteria relative to relicensing after revocation
MTV-51-14-00001-P	..... 12/24/15	Colored lights on fire vehicles, ambulances, emergency ambulance service vehicles and county emergency medical service vehicles	To make a technical correction to align the regulation with the statute
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-04-15-00015-P	..... 01/28/16	Smoking	To clarify where smoking is prohibited at NFTA locations
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-02-15-00007-EP	..... 03/08/16	Direct Care and Clinical Compensation Payments	To amend rate-setting for eligible services in order to implement increases in direct care and clinical compensation
PDD-02-15-00008-EP	..... 03/02/16	Updates to SSI offset and SNAP benefit offset	To adjust reimbursement to affected providers for rent and food costs

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-01-15-00012-P	..... exempt	Rates for the Sale of Power and Energy	To recover the Authority's Fixed Costs
PAS-01-15-00013-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*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-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*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-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*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-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-30-09-00010-P	..... exempt	Additional funding for interim gas energy efficiency programs currently being implemented by Niagara Mohawk	To fund the continued operation of Niagara Mohawk's interim gas energy efficiency programs through October 31, 2009
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*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-11-10-00011-P	..... exempt	Niagara Mohawk's EEPS "Fast Track" Residential Electric HVAC Program	To encourage cost effective electric energy conservation in the State
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*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-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-31-10-00008-P	..... exempt	KEDNY's Interim Low Income Energy Efficiency Program	Consideration of KEDNY's request for approval of costs related to large multifamily energy efficiency services
*PSC-31-10-00009-P	..... exempt	KEDLI's Interim Low Income Energy Efficiency Program	Consideration of KEDLI's request for approval of costs related to low income large multifamily energy efficiency services
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-50-10-00005-P	..... exempt	Metered gas deliveries and lost and unaccounted for gas	To allow BEGWS to recover a refund from Corning for overcharges of gas deliveries
*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-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*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-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*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-16-11-00010-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in 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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*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-33-11-00017-P	..... exempt	Petition for the submetering of electricity	To consider the request of 56-7th Avenue LLC to submeter electricity at 56-7th Avenue, New York, New York
*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-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*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-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*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
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*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-42-12-00007-P	..... exempt	Petition for the submetering of electricity	To consider the request of 215 West 91st Street Corp. to submeter electricity at 215 West 91st Street, New York, New York
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*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-20-13-00008-P	..... exempt	Relief of the exhausting 315 Area Code	To reinstate the relief process for the 315 area code region beyond 2015
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*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-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*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-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*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
*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-46-13-00007-P	..... exempt	Whether to permit the use of the GE/Dresser ES3 Index Assembly for use in commercial and industrial gas meter applications.	To permit gas utilities in New York State to use the GE/Dresser ES3 Index Assembly.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
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.
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-12-14-00007-P	..... exempt	Transfer of water supply assets.	Transfer the water supply assets of Yellow Barn Water Company, Inc. to the Town of Dryden.
PSC-14-14-00016-P	..... exempt	Whether to permit the use of the Leviton Series 8000 electric submeter.	Pursuant to 16 NYCRR Parts 93 and 96, is necessary to permit the use of the Leviton Series 8000 electric submeter.
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-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-17-14-00005-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-17-14-00006-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-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
PSC-20-14-00011-P	..... exempt	Petitioners request an order approving enhanced benefits under the Renewable Portfolio Standard Program.	To enable continued operation of a 51 MW biomass fueled electric generating facility in Niagara Falls, New York.
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-23-14-00012-P	..... exempt	Whether to permit the use of the Elster Instromet Q.Sonic Plus Ultrasonic meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the Elster Instromet Q.Sonic Plus Ultrasonic 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-24-14-00004-P	..... exempt	Approval of asset transfer.	To allow or disallow transfer of assets from Heritage Hills Water Works Corp. to Community Utilities of New York, Inc.
PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
PSC-25-14-00014-P	..... exempt	Whether to permit the use of the SATEC Branch Feeder Monitor BFM-136 electric submeter	Pursuant to 16 NYCRR Parts 93 and 96, is necessary to permit the use of the SATEC Branch Feeder Monitor BFM electric submeter
PSC-25-14-00015-P	..... exempt	Surcharges related to the System Benefits Charge, Energy Efficiency Portfolio Standard, Retail Renewable Portfolio Standard	To reduce the public benefit surcharge applicable to large industrial, commercial and institutional energy consumers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
PSC-26-14-00012-P	..... exempt	The Commission's framework for regulating utilities and methods of ratemaking will be revised.	To allow energy efficiency and other distributed resources to take a primary role in the planning and operation of the grid.
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.
PSC-26-14-00014-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-26-14-00015-P	..... exempt	Whether to order natural gas distribution companies to expand their public education programs.	To improve gas safety by ordering natural gas distribution companies to expand their public education programs.
PSC-26-14-00016-P	..... exempt	The Commission's regulatory framework will be revised to create a flexible platform for new energy products and services.	To allow energy efficiency and other distributed resources to take a primary role in the planning and operation of the grid.
PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-26-14-00018-P	..... exempt	Rules regarding ownership and/or operation of the DSPPs will be created.	To best enable system-wide efficiency and market-based deployment of distributed energy resources and load management.
PSC-26-14-00019-P	..... exempt	Prohibitions or restrictions regarding the DSPPs ownership of DER will be created.	To protect against abuses associated with imbalances in market power.
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-30-14-00019-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company deferred accounting treatment for expenses related to the change in corporate leadership.
PSC-30-14-00020-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company deferred accounting treatment for expenses related to the change in corporate leadership.
PSC-30-14-00021-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company deferred accounting treatment for expenses related to the change in corporate leadership.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
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-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
PSC-32-14-00010-P	..... exempt	Petition for rehearing and/or clarification of the Order Establishing Rates, issued in Case 13-W-0295	to consider the petition for rehearing and/or clarification filed by the Municipal Consortium
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-32-14-00013-P	..... exempt	Petition for submetering of electricity	To consider the request of 1 John Street LLC to submeter electricity at 1 John Street, Brooklyn, New York
PSC-32-14-00015-P	..... exempt	Revisions to modify and clarify provisions related to electric generators taking transportation service under SC Nos. 7 and 14	To modify and clarify provisions related to electric generators taking transportation service under SC Nos. 7 and 14
PSC-32-14-00017-P	..... exempt	Transfer of Franchise or stocks and Issuance of Securities	To allow or disallow the merger of United Water Resources and United Water Mid-Atlantic Inc into United Water Works
PSC-32-14-00018-P	..... exempt	Modifications to provisions related to electric generators and cogeneration facilities	Revisions related to electric generators and cogeneration facilities and align KEDNY's tariff provisions with those of KEDLI
PSC-34-14-00006-P	..... exempt	Authorization of long-term loan	To allow or disallow Forever Wild Water Company to enter into long-term loan agreement.
PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
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-35-14-00006-P	..... exempt	Minor electric rate filing	For approval to increase annual revenues by about \$135,554 or 27.8%
PSC-35-14-00008-P	..... exempt	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$264,166 or 25%	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$264,166 or 25%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-14-00008-P	..... exempt	The Commission's regulatory framework will be revised to create a flexible platform for new energy products and services.	To allow energy efficiency and other distributed resources to take a primary role in the planning and operation of the grid.
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-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
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-38-14-00009-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-38-14-00010-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.
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-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
PSC-38-14-00019-P	..... exempt	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$18,356 or 17.8%.	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$18,356 or 17.8%.
PSC-38-14-00020-P	..... exempt	Various tariff revisions to the rates, charges, rules and regulations.	For approval to make various tariff revisions to P.S.C. No. 4 - Steam.
PSC-38-14-00021-P	..... 09/24/15	Service lines, leakage surveys, testing req'ts., MAOP, odorization, 16 NYCRR § § 255.3(29); 255.723; 255.507; 255.619, 255.625.	To align State gas safety rules with federal gas safety requirements.
PSC-39-14-00012-P	..... exempt	Minor electric rate filing.	For approval to increase total annual revenues by about \$300,000 or 8.1%.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-14-00014-P	..... exempt	Whether to permit the use of the SATEC EM133 electric submeter.	Pursuant to 16 NYCRR Parts 93 and 96, is necessary to permit the use of the SATEC EM133 electric submeter.
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-41-14-00009-P	..... exempt	Establishment of a Clean Energy Fund and related actions	Consideration of proposal by NYSERDA for the establishment of a Clean Energy Fund and related actions
PSC-41-14-00010-P	..... exempt	Reallocation of EEPS and SBC funds	Consideration of proposal by NYSERDA for reallocation of EEPS and SBC funds
PSC-41-14-00011-P	..... exempt	Establishment of annual collections caps and collection and spending mechanisms as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the establishment of annual collections caps and collection and spending mechanisms
PSC-41-14-00012-P	..... exempt	Funding and management of the NY-Sun program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of the NY-Sun program
PSC-41-14-00013-P	..... exempt	Funding and management of the New York Green Bank as described in the Clean Energy Fund Proposal and NY Green Bank Petition	Consideration of proposal by NYSERDA for the funding and management of the New York Green Bank
PSC-41-14-00014-P	..... exempt	Funding and management of a Market Development program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Market Development program
PSC-41-14-00015-P	..... exempt	Funding and management of a Technology and Business Innovation program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Technology and Business Innovation program
PSC-41-14-00016-P	..... exempt	Inter-carrier telephone service quality standards and metrics	To review recommendations from the Carrier Working Group and incorporate modifications to the existing Guidelines

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-44-14-00020-P	..... exempt	LDC inspection and remediation plans for plastic fusions	Whether to order LDCs to comply with their filed plans that address any safety risks associated with plastic fusions
PSC-44-14-00021-P	..... exempt	Define incremental cost of gas	To define the incremental cost of gas and to streamline the Definitions and Abbreviations section
PSC-44-14-00023-P	..... exempt	Petition for rehearing filed by West Valley Crystal Water Company, Inc. on October 9, 2014	Petition for rehearing filed by West Valley Crystal Water Company, Inc. on October 9, 2014
PSC-45-14-00002-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-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
PSC-45-14-00004-P	..... exempt	Petition for submetering of electricity	To consider the request of C B Frontier LLC, to submeter electricity at 200 East 39th Street, New York, New York
PSC-46-14-00007-P	..... exempt	Modifications to General Rule 17.5 - Requests for Aggregated Company Records.	Modifications to General Rule 17.5 - Requests for Aggregated Company Records.
PSC-46-14-00008-P	..... exempt	Funding and eligibility rules for the Green Bank program as described in the Green Bank Petition.	Consideration of proposal by NYSERDA for the funding and eligibility rule changes for the Green Bank program.
PSC-46-14-00009-P	..... exempt	Continuation of exemptions from standby rates for beneficial forms of distributed generation and small combined heat and power.	To continue the exemptions from standby rates for beneficial forms of distributed generation and small combined heat and power.
PSC-46-14-00010-P	..... exempt	Modifications to General Information Section IV.3(c) - Requests for Aggregated Company Records.	Modifications to General Information Section IV.3(c) - Requests for Aggregated Company Records.
PSC-46-14-00012-P	..... exempt	To consider proposals for changes to the Electronic Data Interchange standards.	To consider proposals for changes to the Electronic Data Interchange standards.
PSC-47-14-00012-P	..... exempt	Consideration of the National Grid Implementation Plan and audit recommendations	To approve, modify or reject, in whole or in part, National Grid's Implementation Plan
PSC-48-14-00010-P	..... exempt	Major gas rate increase filing.	To establish rates and practices for gas service.
PSC-48-14-00011-P	..... exempt	Major electric rate increase filing.	To establish rates and practices for electric service.
PSC-48-14-00012-P	..... exempt	Authority to update its System Improvement Charge (SIC Mechanism).	To allow or disallow New York American Water Company to update its System Improvement Charge (SIC Mechanism).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-14-00013-P	..... exempt	Petition for submetering of electricity.	To consider the request of Albee Tower 1 Owners LLC to submeter electricity at 70 Fleet Street, Brooklyn, New York.
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-49-14-00002-P	..... exempt	Whether to make revisions to Rider S - Commercial System Relief Program and Rider U - Distribution Load Relief Program	Whether to make revisions to Rider S - Commercial System Relief Program and Rider U - Distribution Load Relief Program
PSC-51-14-00005-P	..... exempt	Petitioner requests an order modifying its existing maintenance tier contract offered under the RPS Program	To resume operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York
PSC-51-14-00006-P	..... exempt	The Northeast Power Coordinating Council, Inc's A-Criteria documents and Criteria	To adopt revisions to various rules and measurements of the Northeast Power Coordinating Council, Inc.
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-52-14-00020-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 17.0%.	To adopt an Installed Reserve Margin for the Capability Year beginning May 1, 2015, and ending April 30, 2016.
PSC-52-14-00021-P	..... exempt	Requirements and conditions for the net metering of customer-sited generation facilities.	To consider requirements and conditions for the net metering of customer-sited generation facilities.
PSC-52-14-00022-P	..... exempt	Petition for submetering of electricity.	To consider the request of Kingsview Homes, Inc. to submeter electricity at 125 Ashland Place, Brooklyn, New York.
PSC-52-14-00023-P	..... exempt	LDC inspection and remediation plans for plastic fusions.	Whether to order Con Ed and ORU to comply with their filed plans that address any safety risks associated with plastic fusions.
PSC-52-14-00024-P	..... exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY programs.	To extend the DG and NGV programs to March 31, 2018 and for authorization of the Prime-WNY program.
PSC-52-14-00025-P	..... exempt	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$24,000 or 48%.	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$24,000 or 48%.
PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.
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-01-15-00015-P	..... exempt	NYSEG is seeking waivers from certain regulatory requirements contained in an Order issued in Case 14-G-0197 on October 6, 2014	NYSEG is seeking waivers because it cannot certify the existing propane distribution system complies with certain regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-15-00016-P	..... exempt	State Universal Service Fund Disbursements	To consider Port Byron Telephone Company's request for State Universal Service Fund disbursements
PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-01-15-00018-P	..... exempt	State Universal Service Fund Disbursements	To consider Township Telephone Company's request for State Universal Service Fund disbursements
PSC-01-15-00019-P	..... exempt	Rule 50 - Reliability Support Services (RSS) Surcharge.	To make a clarifying revision to Rule 50 - Reliability Support Services (RSS) Surcharge.
PSC-01-15-00020-P	..... exempt	A Pilot Community Choice Aggregation Program	To consider approval of a Pilot Community Choice Program and customer information transfer
PSC-02-15-00005-P	..... exempt	Approving the 2014 electric emergency response plans for New York's six major electric utilities.	Approving the 2014 electric emergency response plans for New York's six major electric utilities.
PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
PSC-03-15-00003-P	..... exempt	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering
PSC-03-15-00004-P	..... exempt	To allow residential customers a one time election to opt out of AMR metering and make other tariff changes related to metering	To allow residential customers a one time election to opt out of AMR metering and make other changes related to metering
PSC-03-15-00005-P	..... exempt	Minor electric rate filing	For approval to increase annual revenues by about \$300,000 or 17.96%
PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
PSC-04-15-00009-P	..... exempt	To start and finish construction of distribution and service lines in certain municipalities in Clinton County by dates certain.	To require NYSEG to start and complete construction of distribution and service lines in municipalities in Clinton County.
PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
PSC-04-15-00013-P	..... exempt	Rider L - Direct Load Control Program (DLC) and Residential Smart Appliance Program (RSAP)	To expand the DLC program, replace failed control devices, and to expand the RSAP pilot.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-15-00014-P	..... exempt	Request for waiver of 6 NYCRR Part 501 and United Water's tariff provisions governing main extensions.	To grant, deny or modify a petition for a waiver of 6 NYCRR Part 501 and related United Water's tariff provisions.
PSC-05-15-00003-P	..... exempt	Whether to grant, deny or modify in whole or in part the petition of Consolidated Edison for rehearing and clarification	Whether to grant, deny or modify in whole or in part the petition of Consolidated Edison for rehearing and clarification
PSC-05-15-00004-P	..... exempt	Whether to permit the use of the Eaton Power Xpert Multi-Point Meter for submeter applications	Pursuant to 16 NYCRR Parts 93 and 96, the Commission must approve the Eaton Power Xpert Multi-Point for electric submetering
PSC-05-15-00005-P	..... exempt	Cost recovery surcharge and gas safety performance standards	To determine issues related to gas safety surcharge implementation
STATE, DEPARTMENT OF			
DOS-41-14-00001-P	..... 10/20/15	Minimum standards for code enforcement training	To establish minimum training standards so as to increase the level of competency and reliability of code enforcement personnel
DOS-02-15-00004-EP	..... 03/01/16	Use of truss type, pre-engineered wood or timber construction in residential structures	To implement the provisions of new section 382-b of the Executive Law, as added by chapter 353 of the Laws of 2014
DOS-04-15-00004-EP	..... 03/19/16	Issuance of an order to remedy a violation of the Uniform Code	Fix the time for compliance with an order to remedy any condition found to exist in buildings in violation of the Uniform Code
DOS-05-15-00007-EP	..... 03/23/16	Addition of provisions relating to "sparkling devices" to the State Uniform Fire Prevention and Building Code	To amend the Uniform Code to provide additional requirements applicable to buildings and structures where "sparkling devices" are manufactured, stored or used and add other restrictions on the use of "sparkling devices"
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-48-14-00002-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, 2015 through March 31, 2015
TAF-48-14-00003-P	..... 12/03/15	Filing requirements for farm distilleries under Article 18 of the Tax Law	To allow farm distilleries to file annual rather than monthly alcoholic beverage tax returns
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-49-14-00001-P	..... 12/10/15	Local Advisory Councils	Repeal the regulatory requirement that social services districts establish and maintain local advisory councils
TDA-49-14-00003-P	..... 12/10/15	Public Assistance Schedules	To update certain public assistance schedules to comply with the schedules in Social Services Law § 131-a
TDA-52-14-00001-P 12/31/15	"Food Stamp Program" renamed "Supplemental Nutrition Assistance Program" (SNAP); Food Assistance Program (FAP) repealed; certain public assistance employment program reporting requirements modified	To render subject State regulations consistent with cited statutory authority and chapter 360 of the Laws of 2003, part C of chapter 57 of the Laws of 2005 and chapter 41 of the Laws of 2012

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

TBA-48-14-00004-P exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	A proposal to raise additional revenue
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RULE REVIEW

Office of Mental Health Rule Review – 2010, 2005 and 2000

Section 207 of the State Administrative Procedure Act requires that any rule adopted by a State agency after 1996 be reviewed after five years, and, thereafter, at five-year intervals. The purpose of the review is to establish whether or not the rule should be continued or modified. Consensus rule makings, emergency adoptions, rule makings which resulted in the repeal of a Part, and other rules that have expired are not subject to rule review.

In accordance with this statutory requirement, the New York State Office of Mental Health (OMH) hereby gives notice of rules which were adopted by the agency during the calendar years 2010, 2005, and 2000.

The public is invited to review and comment on the continuation or modification of the rules listed below. Comments must be submitted in writing and received within 45 days of the date of publication of this Notice. Comments should be submitted to Sue Watson, Office of Counsel, Bureau of Policy, Regulation and Legislation, New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12229 or via e-mail at Sue.Watson@omh.ny.gov.

#OMH-45-09-00008-A Personalized Recovery-Oriented Services (PROS). Proposed in State Register on November 10, 2009; Adopted January 27, 2010.

Purpose: Amendment of Part 512 of Title 14 NYCRR to modify the PROS registration, documentation and program standards, and include the methodology for calculating capital add-on.

Analysis of Need: The existing PROS regulations included a stringent registration process, rigorous documentation requirements, and specific programmatic decisions reflecting clinical practice at that time. The changes included in this regulatory amendment were the result of feedback from PROS providers, as well as evaluation of operational PROS programs. The amendments included:

- Modification of the PROS registration process to include “real-time registration,” thereby eliminating certain registration and documentation requirements and effectively reducing costs to PROS providers and OMH;
- Reduction of documentation requirements to be consistent with other outpatient programs;
- Elimination of provisions with respect to payment disallowance for certain groups exceeding a specific number of participants;
- Reduction of the number of hours per week as the minimum required for ongoing rehabilitation and support (ORS);
- Change in methodology related to the calculation of capital costs;
- Increase in monthly base rates consistent with 2008-2009 State Budget.

The PROS regulation has been amended several times over the past few years, the impetus of which often was the result of feedback from providers of services. The amendments should remain without modification.

Legal Base: Mental Hygiene Law Sections 7.09(b), 31.04(a), 43.02(a) and (b); Social Services Law Sections 364(3) and 364-a(1).

#OMH-52-09-00005-A Certification of Relief from Disabilities Related to Firearms Possession. Proposed in State Register on December 30, 2009; Adopted March 10, 2010.

Purpose: Addition of a new Part 543 of Title 14 NYCRR to establish an administrative “certificate of relief from disabilities process” pursuant to Federal law.

Analysis of Need: The regulation established the relief from disabilities program by which a person who is disqualified from purchasing a firearm due to an involuntary commitment can seek to have that disqualification removed. As this process is required under the Federal National Instant Criminal Background Check System (NICS) Improvement Amendment Act of 2007 and Public Law 110-180, Section 105, which amended the Federal Brady Handgun Violence Prevention Act of 1993, the regulation should remain without modification.

Legal Base: Mental Hygiene Law Sections 7.09(b) and (j).

#OMH-15-10-00011-A Rates of Reimbursement – Hospitals Licensed by the Office of Mental Health. Proposed in State Register on April 14, 2010; Adopted June 23, 2010.

Purpose: Amendment of Part 577 of Title 14 NYCRR to reduce the growth of Medicaid reimbursement for licensed Article 31 private psychiatric hospitals.

Analysis of Need: The regulation removed the 2010 trend factor of 2.5 percent in developing the 2010 per diem Medicaid rates for Article 31 private psychiatric hospitals, effective January 1, 2010. Under the Commissioner’s authority, normally OMH trends base year’s costs forward two years to the rate year by using two annual trend factors (representing a trend factor for the year preceding the rate year and another trend factor for the rate year). This amendment clarified that, for the 2010 rate year, OMH would not use the 2010 trend factor and would only use the 2009 trend factor of 3.8 percent. This action was consistent with the elimination of the inflationary adjustments and trends applied to rates for community mental health programs in 2009-2010, and was made in accordance with the 2009-2010 enacted Deficit Reduction Legislation. The regulation was amended in 2012, 2013 and 2014 to implement rate freezes consistent with the enacted State Budget.

Legal Base: Mental Hygiene Law Sections 7.09 and 43.02.

#OMH-21-10-00010-A Operation of Psychiatric Inpatient Units of General Hospitals and Operation of Hospitals for Persons with Mental Illness. Proposed in State Register on May 26, 2010; Adopted: August 4, 2010.

Purpose: Amendment of Parts 580 and 582 of Title 14 NYCRR to update provisions that reflect outdated statutory references, nomenclature, practices or principles.

Analysis of Need: At the time of this amendment, the regulations governing psychiatric inpatient units of general hospitals and free-standing hospitals for persons with mental illness were significantly outdated. They did not reflect up-to-date statutory citations or amendments made over the previous ten years with respect to criminal history background checks, child abuse and neglect definitions, incident notification, or other applicable statutes. The regulations included an

outdated lexicon and contained several procedural requirements that had not been applicable for several years. As the amendment served to provide greater accuracy and clarify to providers of mental health services with respect to the standards under which they are expected to operate, the regulations should remain without modification.

Legal Base: Mental Hygiene Law Section 7.09; Social Services Law Section 412-a.

#OMH-11-10-00003-A Clinic Treatment Programs. Proposed in State Register on March 17, 2010; Adopted: July 14, 2010; Effective: October 1, 2010.

Purpose: Addition of new Part 599 of Title 14 NYCRR to establish standards for the certification, operation and reimbursement of clinic treatment programs serving adults and children.

Analysis of Need: The amendment replaced the previously existing requirements of Part 587 of Title 14 NYCRR and phased out the requirements of Parts 588 and 592 of Title 14 NYCRR insofar as they pertained to mental health clinic services. The regulation established the following:

- a redefined and more responsive set of clinic treatment services with greater accountability for outcomes;
- a redesigned financing structure that included Medicaid payment rates based on the efficient and economical provision of services to Medicaid clients;
- a HIPAA-compliant procedure based payment system with modifiers to reflect variations in costs;
- provisions for indigent care.

In the four years since 14 NYCRR Part 599 was adopted as final, OMH has amended its clinic regulations on several occasions based on provider feedback. As this Part establishes the standards for certification, operation and reimbursement of OMH-licensed clinics serving adults and children, the Part must remain in effect.

Legal Base: Mental Hygiene Law Sections 7.09, 31.02, 31.04, 31.06, 31.07, 31.09, 31.11, 31.13, 31.19, 43.01, 43.02, Article 33; Social Services Law Sections 364, 364-a and 364-j, Title XIX of the Federal Social Security Act.

#OMH-12-05-00002-A Residential Treatment Facilities for Children and Youth. Proposed in State Register on March 23, 2005; Adopted June 8, 2005.

Purpose: Amendment of Section 584.5(e) of Title 14 NYCRR to continue the temporary increase in the capacity of certain residential treatment facilities (RTF) to serve the needs of emotionally disturbed children and youth.

Analysis of Need: In 2000, OMH determined that an increase was needed in the existing RTF capacity serving children and youth with serious emotional disturbance who reside in New York City. At that time, the regulations in effect specified RTF bed capacity serving primarily New York City residents could be temporarily increased until September 30, 2003, by up to ten additional beds over the maximum of 56 per facility otherwise allowed by the regulation. Due to development delays in the implementation of residential alternatives, the expiration date needed to be changed to September 30, 2004. Therefore, an amendment was required to permit the continued necessary increase in RTF capacity until September 30, 2004. The issue has been the subject of review over subsequent years and has resulted in several changes in the expiration date. The current amendment filed in 2013 extends the expiration date until September 30, 2016.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04 and 31.26.

#OMH-04-05-00004-A Pre-Admission Certification for Residential Treatment Facilities for Children and Youth. Proposed in State Register on January 26, 2005; Continued July 13, 2005; Adopted August 31, 2005.

Purpose: Amendment of Part 583 of Title 14 NYCRR to revise the pre-admission certification process.

Analysis of Need: Chapter 947 of the Laws of 1981 authorized the establishment of Residential Treatment Facilities (RTFs). The legislation established procedures for admission to RTFs, designated pre-admission certification committees (PACC) to carry out these procedures, and provided for advisory boards to the PACC. The

purpose of the PACC is to ensure uniform access to RTFs for children and youth, regardless of the current placement or source of referral of an individual child. The amendments improved the operation of the PACC by:

- Extending the period of time after which the PACC must reconfirm its determination of eligibility of a child awaiting admission to a RTF from 45 days to 60 days. It required that this reconfirmation include a request for an update of the child's status, including the child's clinical status, current placement and willingness and ability to be admitted if offered a placement. It further mandated that the PACC's decision be unanimous, be made in writing, and include the physician's signature.

- Amending eligibility requirements for children who are temporarily unavailable. If a child, who had been found eligible for RTF placement, became unavailable for such admission for a period of less than 30 days, then the child's eligibility is considered temporarily suspended. The child may then be restored to eligible status on the date such temporary suspension ends.

- Setting forth the circumstances under which the PACC must decertify a child, who had been previously certified as eligible for placement, from that eligibility status and related notice requirements regarding this decision.

As the amendments were needed to improve management of the RTF wait list and help to ensure that RTF case managers have the most current information concerning a child's eligibility and mental health needs, the regulation should remain without modification.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04 and 31.26

#OMH-09-05-00003-A Personalized Recovery-Oriented Services. Proposed in State Register on March 2, 2005; Continued August 24, 2005; Adopted December 21, 2005.

Purpose: Addition of a new 14 NYCRR Part 512 to establish standards for personalized recovery-oriented services.

Analysis of Need: The rule established a new licensed program category for Personalized Recovery-Oriented Services (PROS) programs. The purpose of the PROS program is to assist individuals in their recovery from the disabling effects of mental illness through the coordinated delivery of a customized array of rehabilitation, treatment and support services. The regulation has been amended several times since it was adopted in 2005. As the Part applies to any provider of service that has been licensed to operate, or proposes to operate a PROS program that must be licensed by OMH, the regulation must remain in effect.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04, 41.05, 43.02; Social Services Law Sections 364(3) and 364a(1).

#OMH-16-00-00001-A Operation of Outpatient Programs and Operation of Residential Programs for Adults. Proposed in State Register on April 19, 2000; Adopted September 6, 2000.

Purpose: Amendment of Parts 587 and 595 of Title 14 NYCRR to add provisions to facilitate the implementation of the provisions of Kendra's Law.

Analysis of Need: Kendra's Law established a system for assisted outpatient treatment (AOT), under which courts are authorized to issue orders requiring persons who meet the criteria for AOT to participate in treatment. The purpose of the regulatory amendments was to facilitate the implementation of Kendra's Law by requiring providers of service to give priority access to individuals enrolled in assisted outpatient treatment programs and requiring providers of service to notify an individual's case manager and director of the assisted outpatient treatment program of the discharge of an individual who is also enrolled in an assisted outpatient treatment program.

Legal Base: Mental Hygiene Law Sections 7.09, 31.04; Chapter 408 of the Laws of 1999.

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

Tygrus, LLC
1134 E. Big Beaver Rd., Troy, MI 48083
State or country in which incorporated — Delaware limited liability
company

DEALERS; BROKERS

2014 RFID LP
500 Boylston St., Suite 440, Boston, MA 02116
Partnership — 372 RFID LLC

Cadre Astoria I LLC
c/o Kushner Companies, 666 Fifth Ave., New York, NY 10103

Cobia Capital Partners QP, LP
c/o Cobia Capital Management, LP, 747 Third Ave., 27th Fl., New
York, NY 10017
Partnership — Cobia GP, LLC

Lance Minerals, LLC
5251 DTC Pkwy., Suite 425, Greenwood Village, CO 80111

Light Street Xenon, Ltd.
190 Elgin Ave., George Town, Cayman Islands, KY1-9005
State or country in which incorporated — Cayman Islands

NanoPharm LLC
2029 Becker Dr., Lawrence, KS 66047
State or country in which incorporated — Kansas

Outside Edge Algo Fund I, LP
247 W. 35th St., 11th Fl., New York, NY 10001
Partnership — Outside Edge GP, LLC

PCCI NewCo
8435 N. Stemmons Fwy., Suite 1150, Dallas, TX 75247

Pennybacker III, LP
c/o Pennybacker Capital Management, LLC, 3500 Jefferson St., Suite
206, Austin, TX 78731
Partnership — Pennybacker III GP, LLC

Reformation Technologies Fund LP
10 Wright St., Suite 250, Westport, CT 06880
Partnership — Reformation Technologies GP LLC

Shelton Greater China Fund
c/o Gemini Fund Services, LLC, 80 Arkay Dr., Hauppauge, NY 11788
State or country in which incorporated — Massachusetts

TR Global Opportunity Fund, LP
3147 NW 60th St., Boca Raton, FL 33496
Partnership — TR Asset Management, LLC

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.

NOTICE OF PUBLIC HEARING

New York Governor's Office of Storm Recovery
State of New York Action Plan Amendment No. 8
to the Action Plan for Community Development
Block Grant Disaster Recovery (CDBG-DR) Program
Pursuant to Federal Register Notice FR-5696-N-11

On October 16, 2014, the U.S. Department of Housing and Urban Development (HUD) announced a supplemental allocation of \$420,922,000 of Community Development Block Grant Disaster Recovery (CDBG-DR) funds to support the State of New York's continued recovery efforts from Hurricane Irene, Tropical Storm Lee and Superstorm Sandy.

Prior to releasing the funds, HUD requires that grantees create an Action Plan Amendment that documents the proposed use of funds, and publish it for public input. HUD approved the State's initial Action Plan on April 25, 2013.

The most recent amendment, Action Plan Amendment No. 8, is now available for public review. The Action Plan, amendments 1 through 7, and Action Plan Amendment No. 8, are available on the State's website at <http://stormrecovery.ny.gov>. Copies of the Action Plan Amendment No. 8 are also available without charge, to anyone requesting copies at info@stormrecovery.ny.gov or by calling the Recovery Hotline: 1-866-ASK-DHCR (866-275-3427). TTY: 212-480-6062. Additionally it has been translated into Spanish, Russian and Chinese.

Please take notice that the New York Governor's Office of Storm Recovery (GOSR) will hold public hearings to give all interested persons an opportunity to present oral and written comments on Action Plan Amendment No. 8.

To ensure maximum convenience for the public, hearings will be held in parts of New York State impacted by the three storms. The schedule is below:

Tuesday, January 13, 2015 (6:30 pm – 8:00 pm)

STATEN ISLAND

Jewish Community Center of Staten Island
Social Hall
1466 Manor Road
Staten Island, NY 10314

Wednesday, January 14, 2015 (6:30 pm – 8:00 pm)

NASSAU COUNTY

South Side High School
Auditorium
140 Shepherd Street
Rockville Centre, NY 11570

Thursday, January 15, 2015 (6:30 pm – 8:00 pm)

SUFFOLK COUNTY

Suffolk County Legislature
W.H. Rogers Legislature Building
Auditorium
725 Veterans Memorial Highway
Smithtown, NY 11787

Tuesday, January 20, 2015 (6:30 pm – 8:00 pm)

WESTCHESTER/ROCKLAND COUNTY

Palisades Center Mall
Raso Room
1000 Palisades Drive
West Nyack, NY 10994

Wednesday, January 21, 2015 (6:30 pm – 8:00 pm)

ALBANY COUNTY

Albany Marriott Hotel
Salons AB
189 Wolf Road
Albany, NY 12205

Thursday, January 22, 2015 (6:30 pm – 8:00 pm)

BROOME COUNTY

Binghamton Jewish Community Center
Auditorium
500 Clubhouse Road
Vestal, NY 13850

Comments may also be submitted in writing at the public hearing, or via the website at <http://stormrecovery.ny.gov>, or by mail to the attention of The Governor's Office of Storm Recovery, ATTN: Public Comments, 64 Beaver Street, P.O. Box 230, New York, NY 10004, or for TTY at 212-480-6062. The public comment period will end on February 5, 2015, at 5:00 pm. Comments received after 5:00 pm on February 5, 2015 will not be considered.

The public hearings are accessible to people who are mobility

impaired. Sign language interpreter services and / or other interpretation services will be provided, upon advance request by contacting our outreach consultant at (888) 772-6400 or email outreach@ingroupinc.com no later than three (3) days before the hearing for which the services are being requested.

All public hearing dates, times and locations are subject to change due to inclement weather conditions. Information regarding any change in the hearing schedule will be posted at the above mentioned website at least two hours before the scheduled start time of the hearing.

For more information about New York's Storm Recovery efforts or to download a copy of this current Amendment No. 8, the State's Action Plan and related amendments, please visit <http://stormrecovery.ny.gov>

PUBLIC NOTICE

Town of Clarkstown

The Town of Clarkstown is soliciting proposals to provide annual financial audit services for the Town of Clarkstown Deferred Compensation Plan ("the Plan") for the years ended December 31, 2014 through December 31, 2018.

A copy of the proposal questionnaire may be obtained from Edward J. Duer, Comptroller, Town of Clarkstown, 10 Maple Ave., New City, NY 10956.

All proposals must be submitted not later than ninety (90) days from the date of publication.

PUBLIC NOTICE

New York State Homes and Community Renewal Consolidated Annual Performance and Evaluation Report Public Comment Period Notice

In accordance with the provisions of the National Affordable Housing Act, the State of New York is making a draft of its Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2014 available for public comment. The CAPER analyzes New York State's progress in implementing its HUD-approved Annual Action Plan for 2014. The public is invited to review the draft New York State CAPER and to offer comments on the document. The draft 2014 CAPER, as published for public comment, will be available during the public comment period on the New York State Homes and Community Renewal (HCR) website at www.nyshcr.org. In addition, copies can be requested by e-mail at HCRConPln@nyshcr.org or by telephoning 1-518-474-8782. The public comment period will begin on Wednesday, February 18, 2015 and end on Wednesday, March 4, 2015. Written comments must be postmarked no later than March 4, 2015 and addressed to: Alison Russell, NYS HCR, Hampton Plaza, 38-40 State St., Albany, NY 12207. E-mail comments must be sent by that date and e-mailed to: HCRConPln@nyshcr.org.

PUBLIC NOTICE

Office of Mental Health

On December 31, 2014, the New York State Office of Mental Health adopted as final a rule creating a new 14 NYCRR Subpart 599-1, Integrated Outpatient Services. This rule relates to standards applicable to programs licensed or certified by the Department of Health (DOH; Public Health Law Article 28), Office of Mental Health (OMH; Mental Hygiene Law Articles 31 and 33) or Office of Alcoholism and Substance Abuse Services (OASAS; Mental Hygiene Law Articles 19 and 32) which desire to add to existing programs services provided under the licensure or certification of one or both of the other agencies. This Notice shall serve to provide notification to all interested parties that, effective immediately, 14 NYCRR Subpart 599-1 is renumbered as 14 NYCRR Part 598. All regulatory provisions included therein remain unchanged.

PUBLIC NOTICE

Monroe County

The Monroe County Deferred Compensation Plan Committee is soliciting proposals from firms to provide professional auditing services for our Deferred Compensation 457 Plan. The Plan is subject to the Rules and Regulations of the New York State Deferred Compensation Board, Part 9000. *A copy of the proposal questionnaire may be obtained from:* www.monroecounty.gov/bids/rfps

Proposals should be received no later than 3:00 p.m. on Friday February 20, 2015.

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 517-a of the Retirement and Social Security Law on or before May 31, 2013. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St, in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Bloomfield, Gregory T - Staten Island, NY

Mc Field, John L - Brooklyn, NY

Minnies, Robin L - Stony Point, NY

For further information contact: Mary Ellen Kutey, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before May 31, 2013. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund

may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Acosta,Chris W - Annapolis,MD
 Agbekoh,Kaftui - West Hartford,CT
 Aguayo,Estelle - Fishkill,NY
 Alex,Sheeba P - Pomona,NY
 Allen,Rhonda - Bronx,NY
 Alleyne,Niesha E - Brooklyn,NY
 Arnold,Sandra J - Geneva,NY
 Aufieri,Leslie C - Yonkers,NY
 Avery,Melissa C - Pheonix,AZ
 Barnett,Tontalea V - Buffalo,NY
 Barry,Lucyna B - Delanson,NY
 Bean,Zachary J - Burnt Hills,NY
 Becker,Katrina B - Remsen,NY
 Bleyle,Amy M - E Syracuse,NY
 Blot,Amir - New York,NY
 Boatwright,Contessa L - Hampton,VA
 Bouazza,Mejdi H - Mahopac,NY
 Burlingame,Linda A - Brocton,NY
 Burton,Lori L - Bath,NY
 Burton,Moraj M - Bronx,NY
 Callas,Billie Jo - Middletown,NY
 Campbell,Matthew D - Rensselaer,NY
 Campbell,Sharron T - Bronx,NY
 Cano,Luz P - Waukesha,WI
 Carlo,Lisa A - Miller Place,NY
 Carrick,David K - Riverhead,NY
 Case,Neil T - Ny Mills,NY
 Castro,Edwin - Rochester,NY
 Ceman-Marcelja,Katerina - Brooklyn,NY
 Chambers,Valerie - Wheatley Heights,NY
 Chenette,Karyn E - Wynantskill,NY
 Clark,Patricia K - Mohawk,NY
 Clary,Thomas L - Russell,NY
 Collins,Robert E - Fort Mill,SC
 Colonna,Karen E - Highland,NY
 Cooper,Berlyn A - Dumfries,VA
 Cordes,Stephanie J - Bohemia,NY
 Corwin,Theresa E - Calverton,NY
 Coughlin,Alicia M - Johnsonville,NY
 Crandall,Chantel - Schenectady,NY
 Croyle,Delbert C - Valley Stream,NY
 Cupolo,Julie L - Center Moriches,NY
 Dailey,Richard G - East Syracuse,NY
 Davenport,Richard M - Rochester,NY
 Davies,John C - Pulaski,NY
 Davis,Jerrell D - Washington,DC
 Dean,Tekisha S - Pensacola,FL
 Decena,Esther E - Schenectady,NY
 Decker,Carla A - Warnerville,NY
 Delgado,Rosemary F - Waterloo,NY
 Delisa,Brian R - Amsterdam,NY
 Di Paolo,Andrea - Yorktown,NY

Dodard,Edelyne - Dix Hills,NY
 Donovan,Renee M - Lewiston,NY
 Dooley,Sean F - Stillwater,NY
 Driscoll,Patrick M - Fayetteville,NY
 Dritschel,Carol L - Rochester,NY
 Dubey,Shipra - Brookline,MA
 Dukes,Charles E - Schenectady,NY
 Dunbar,Katrina M - Syracuse,NY
 Dupree,Jameela R - Philadelphia,PA
 Dyckman,Gwendolyn A - Verplanck,NY
 Egan,Catherine M - New Hartford,NY
 Eisenhut,Dawn C - Waterville,NY
 Ellsworth,John D - De Kalb Junction,NY
 Fairchild,Jane M - Castleton,NY
 Farquharson,Glen A - Roosevelt,NY
 Fe Dora,Sandra - Harpursville,NY
 Feltes,Sara A - Churchville,NY
 Fernandez,Mason - Elmont,NY
 Ferrara,Kathleen M - West Babylon,NY
 Foley,Jessica M - Rochester,NY
 Forestier,Elizabeth - Yonkers,NY
 Forsmith,Christa Marie - Central Islip,NY
 Fuller,Daniel J - Oneonta,NY
 Furniss,William E - Ithaca,NY
 Gadson,Shantal V - Bronx,NY
 Gallegos,Judith D - Franklinville,NY
 Garofalo,Ellen B - Clearwater,FL
 Gilbert,Dustin J - Troy,NY
 Gillis,Delinda L - Virginia Beach,VA
 Gomez,Gloria - Hampton Bays,NY
 Gonzalez,Michelle L - Bronx,NY
 Gorney,Thomas P - Leeds,NY
 Graham,Jamie D - Cottekill,NY
 Green,Barry J - Lincolnton,NC
 Greenholz,Charles B - Huntington,NY
 Greenwood,Kevin J - East Syracuse,NY
 Guscott,Martha R - Albany,NY
 Halligan,Michael P - Sherrill,NY
 Hanna,Makram I - Monmouth Jct,NJ
 Hastings,Elizabeth I - Castile,NY
 Hatfield,Judith A - New Hartford,NY
 Havlin,Patricia J - White Plains,NY
 Hayes,Sarah R - New York,NY
 Hayes,Wendy L - Hudson,NY
 Hegeman,Brian P - Newark,NY
 Hewitt,Elisa B - Ballston Spa,NY
 Hine,Margaret M - Hamburg,NY
 Hinman,James S - Rochester,NY
 Hinojosa,Diana Q - Watermill,NY
 Hintenach,Andrew H - Geneva,NY
 Hoth,Kirk D - Cherry Creek,NY
 Hughes,Lameria D - Bronx,NY
 Hull,Steven M - Elizaville,NY
 Ingrahm,Heather R - Cortland,NY
 Ironbar,Nkese O - Saint Albans,NY
 Irwin,Troy M - Daytona Beach,FL
 Israelite,Rebecca F - Palm Bay,FL
 Jacobs,Adam J - Victor,NY
 James,Dorothy B - Brooklyn,NY

Jeffries,Natasha N - Southampton,NY
Jenemann,Laura - Arlington,VA
Jones,Jonelle B A - Albany,NY
Jones,Rhonda R - Rochester,NY
Keery,Kim M - Ithaca,NY
Keithley,Tichica L - Jamestown,NY
Kelly,Adam J - Delhi,NY
Kilcullen,Brian A - Ballston Spa,NY
King,Margaret C - Watertown,NY
King,Michelle L - Newfield,NY
Kolar,Jennifer A - Syracuse,NY
Krivacsy,Vincent - Farmingville,NY
La Roche,John - Brooklyn,NY
La Valley,Valerie J - Norfolk,NY
Laico,Douglas - East Meadow,NY
Laureano,Andres R - New York,NY
Lent,Derek A - Corinth,NY
Lindsley,Victoria A - Endicott,NY
Longaker,Daniel W - Ithaca,NY
Longmire,Timothy L - Charlotte,NC
Lopez,Jovanny D - Mount Airy,GA
Lupo,Mark J - Plainview,NY
Mabry,Monty E - Brooklyn,NY
Maira,Kimberly M - Brockport,NY
Mallory,Jennifer E - Poestenkill,NY
Marini,Anthony F - Macedon,NY
Marr,David T - Schenectady,NY
Martin,Bridget L - Moira,NY
Martone,Thomas - Buchanan,NY
Maurice,Bernade J - West Haverstraw,NY
Mc Courtney,Christian G - Pleasantville,NY
Mc Lain,Thomas A - Big Indian,NY
Mc Manmon,Ellen - Rockville Centre,NY
Mc Tighe,Sherril L - Dover Plains,NY
Medina,Michelle L - Staten Island,NY
Meltzer,Carey B - New York,NY
Merrill,Joel A - Cattaraugus,NY
Merton,Barbara J - Monticello,NY
Miele,Alissa D - Manalapan,NJ
Miller,Jamine E - Amityville,NY
Miller,Jason H - Greenfield Ctr,NY
Mitchell,Jennifer H - Geneva,NY
Morales,Luz H - Middletown,NY
Morris,John P - Bronx,NY
Mughal,Samia I - Deer Park,NY
Muhammad,Steven - Bronx,NY
Murray,Hazel M - New York,NY
Myers,Alice M - Stamford,NY
Nagle,Pamela Huston - Scotia,NY
Navarette,Jessica D - Troy,NY
Neal,Robin J - Oneida,NY
Novak,Ann Marie - Cortland,NY
Nugent,Debra A - Cicero,NY
Nunez,Felix A - Duluth,GA
O'Brien,Kathi A - Syracuse,NY
O'Connor,Joyce A - North Tonawanda,NY
Osborne,Nichelle R - Joplin,MO
Overberger,Michael J - Madison,OH
Owens,Annette - Hudson,NY

Owens,Kelly S - Wynantskill,NY
Paciello,Carrie A - New Hartford,NY
Pallino,Alice P - Sound Beach,NY
Parker,Star R - Towanda,PA
Partridge,Pamela K - Corning,NY
Pasheek,Nicole R - Canada M6j1r3,
Paterniti,Clara M - Brooklyn,NY
Paulsen,Marleny M - Huntington Station,NY
Perez,Miguel A - Batavia,NY
Peters,Regina M - Center Moriches,NY
Petersen,Maureen H - Parish,NY
Petersohn,Wayne A - N Patchogue,NY
Pfundner,Walter H - Dansville,NY
Phillips,Carol A - Watertown,NY
Pickett,Martina L - Middletown,NY
Piskor,Jacqueline - Lancaster,NY
Posey,Marie - Canandaigua,NY
Putsis,Isabel B - Roslyn Hts,NY
Quercia,Ann M - Staten Island,NY
Rayskin,Alexander - New York,NY
Roberts,Annette L - Geneva,NY
Roberts,Gerald D - Bayshore,NY
Robinson,Michael E - Troy,NY
Rodriguez,Alexis - Garnerville,NY
Rogers,John L - Amsterdam,NY
Rogers,Richard T - Brockport,NY
Roker,Tyeisha T - Jamaica,NY
Roller,Christine E - Millport,NY
Rollo,Pamela C - New York,NY
Rosario,Luisa M - Central Islip,NY
Rose,Silvia C - Lawton,OK
Samer,Mary A - Brockport,NY
Sanderson,Elena C - Brooklyn,NY
Sarrubbo,Chris Ann - Pomona,NY
Schaum,Jayne M - New Windsor,NY
Schmitt,William J - Melville,NY
Schmidt,Tammy L - Alden,NY
Seligsohn,Bella - Plainview,NY
Sheperd,Maria K - Syracuse,NY
Sherman,Marcy A - Ithaca,NY
Sherwood,Elizabeth - Hudson Falls,NY
Simmons,Allen - Brooklyn,NY
Smalling,Karen A - N Massapequa,NY
Smith,Kerryann - Warwick,NY
Solian,John J - Kingston,NY
Spink,Jaye T - Schaghticoke,NY
Steele,Cassadra M - Rochester,NY
Stein,Priscilla M - Montauk,NY
Stevens,Lisa R - Rochester,NY
Stockmyer,Matthew A - New York,NY
Suarez,Samuel - Bronx,NY
Szemplenski,Theresa M - Batavia,NY
Szucs,Nellie G - Gainesville,NY
Tabak,Ronny - Staten Island,NY
Teese,James B - Saint James,NY
Terilli,Robert M - Ossining,NY
Thielges,Donna D - Jamestown,NY
Tilley,Dawn M - Garner,NC
Tobin,Christopher M - Ridgewood,NJ

Torres,Gary - Poughkeepsie,NY
 Torres,Mildred - Brentwood,NY
 Torres,Stephanie M - Haverstraw,NY
 Trapani,Ryan M - New Paltz,NY
 Travis,Jamie E - Glenmont,NY
 Urbina,Luis A - Nesconset,NY
 Valentine,Jay - Gloversville,NY
 Van Der Eems,Adam R - Depew,NY
 Vansteen,Jan M - Winthrop,NY
 Walker,Curtis A - Buffalo,NY
 Wang,Xuyong - Schenectady,NY
 Wein,Stephanie - Rego Park,NY
 Westburgh,Karen L - Auburn,NY
 White,Gregory L - Clarence,NY
 Wilkins,Daniel E - Nunda,NY
 Williams,Christina S - Marietta,GA
 Williams,Danielle E - Palmyra,NY
 Wilson,Jack - Portland,OR
 Wilson,Jamie L - Whitehall,NY
 Wilson,Robert D - Sidney,NY
 Winslow,Barry E - Amsterdam,NY
 Woolever,Derek M - Earlville,NY
 Yang,Steven S - Flushing,NY
 Young,Joanne - Port Jervis,NY
 Young,Marsha M - Bronx,NY
 Zarella,John F - Yonkers,NY
 Zullo,Angelo - Mt Vernon,NY

For further information contact: Mary Ellen Kutey, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

New York State and Local Retirement System

Pursuant to Retirement and Social Security Law, the New York State and Local Employees' Retirement System hereby gives public notice of the following:

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 40, Subdivision f, of the Retirement and Social Security Law on or before December 31, 2013. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St, in the City of Albany, New York. At the expiration of six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Ely,Debra A - Weedsport,NY

For further information contact: Mary Ellen Kutey, New York State Retirement Systems, 110 State St., Albany, NY 12244, (518) 474-3502

PUBLIC NOTICE

Department of State
 F-2014-0788 (DA)

Date of Issuance - February 04, 2015

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 United States Army Corps of Engineers (Corps) has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The Corps' consistency determination and interim feasibility study are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2014-0788 (DA), the United States Army Corps of Engineers – New York District is proposing the South Shore of Staten Island Coastal Storm Risk Management Project (or SSSI). With the passage of the Hurricane Sandy Disaster Relief Appropriations Act of 2013 (Public Law 113-2), the U.S. Army Corps of Engineers has been given the authority and funding to complete ongoing coastal storm risk management projects and studies in the Northeast. As part of the planning and implementation process for the South Shore of Staten Island Coastal Storm Risk Management Project, the New York District will be completing the Feasibility Study and environmental compliance. A draft environmental impact statement (DEIS) is undergoing internal review by the Corps and is anticipated to be available for public and agency review during February 2015.

According to the information provided to the Department of State, the Corps has determined that the selected alternative, which consists of the establishment of a line of protection (LOP) -- a series of structural shoreline protections extending over 22, 700 linear feet along the Raritan Bay fronting shoreline from Fort Wadsworth south to Oakwood Beach and flanking the Oakwood Beach Wastewater Treatment Plant – is consistent with the policies of the New York State Coastal Management Program and with those of the New York City Waterfront Revitalization Program (WRP). The structures proposed include a continuity of buried seawall, earthen levees, and planted dune structures reaching a crest elevation of approximately 18 to 22.5 feet in height and from 10-17 feet in width. The structure along this reach will accommodate a paved promenade and will be publicly accessible at approximately every .5 mile for pedestrians and other low impact users. The existing timber boardwalk will be demolished and replaced with the paved promenade. Additional structural fortifications (levees/ berms) are proposed for three engineering reaches surrounding the wastewater treatment plant. A stoplog structure or other type of water control closure is being proposed at Hylan Boulevard. The LOP is being considered in conjunction with other improvements already planned or underway for five upland drainage areas comprising the Staten Island Bluebelt Plans under the purview of the New York City Department of Environmental Protection.

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., 30 days from the date of publication of this notice or March 04, 2015.

Comments should be addressed to: Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

