
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Liquefied Natural Gas (LNG)
- Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices
- Telepsychiatry Services in OMH-Licensed Clinics

Executive Orders

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 12, 2015
- the 45-day period expires on March 28, 2015
- the 30-day period expires on March 13, 2015

**ANDREW M. CUOMO
GOVERNOR**

**CESAR A. PERALES
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four “Quarterly Index” issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
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)

Rule Making Activities

Corrections and Community Supervision, Department of

1 / Monterey Correctional Facility CF, Chateaugay CF, Mt. McGregor CF, Butler CF (A)

Environmental Conservation, Department of

1 / Liquefied Natural Gas (LNG) (A)

5 / To Amend Part 189 Related to the Discovery of Chronic Wasting Disease in Deer in Ohio (A)

Gaming Commission, New York State

6 / Notice of expiration

Health, Department of

6 / Emergency Medical Services (RP)

Homeland Security and Emergency Services, Division of

8 / Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices (E)

Mental Health, Office of

10 / Telepsychiatry Services in OMH-Licensed Clinics (A)

Motor Vehicles, Department of

11 / Relicensing After Revocation (A)

Parks, Recreation and Historic Preservation, Office of

11 / Resident Curator Program (P)

Public Service Commission

13 / Petition for Submetering of Electricity (P)

13 / Whether to Make Revisions to Rider S — Commercial System Relief Program and Rider U — Distribution Load Relief Program (P)

Hearings Schedule for Proposed Rule Makings / 15

Action Pending Index / 17

Securities Offerings

59 / State Notices

Miscellaneous Notices/Hearings

63 / Notice of Abandoned Property Received by the State Comptroller

63 / Public Notice

Executive Orders

65 / Executive Order No. 141: Declaring a Disaster and a Temporary Suspension and Modification of Health Statutes and Regulations in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and Contiguous Counties.

RULE MAKING ACTIVITIES

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.

Department of Corrections and Community Supervision

NOTICE OF ADOPTION

Monterey Correctional Facility CF, Chateaugay CF, Mt. McGregor CF, Butler CF

I.D. No. CCS-41-14-00007-A

Filing No. 55

Filing Date: 2015-01-23

Effective Date: 2015-02-11

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

Action taken: Repeal of sections 100.66, 100.69, 100.70 and 100.131 of Title 7 NYCRR.

Statutory authority: Correction Law, section 70

Subject: Monterey Correctional Facility CF, Chateaugay CF, Mt. McGregor CF, Butler CF.

Purpose: To remove references to Correctional Facilities that are no longer in operation.

Text or summary was published in the October 15, 2014 issue of the Register, I.D. No. CCS-41-14-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Kevin Bruen, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue - Harriman State Campus - Building 2, Albany, NY 12226-2050, (518) 457-4951, email: Rules@Doccs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

NOTICE OF ADOPTION

Liquefied Natural Gas (LNG)

I.D. No. ENV-37-13-00005-A

Filing No. 58

Filing Date: 2015-01-27

Effective Date: 30 days after filing

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

Action taken: Addition of Part 570 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, art. 23, title 17, section 3-0301(2)(a) and (m)

Subject: Liquefied Natural Gas (LNG).

Purpose: To establish criteria for the siting of and to require DEC permits for LNG facilities per ECL Article 23, Title 17.

Substance of final rule: In this rulemaking the New York State Department of Environmental Conservation (DEC) adopts 6 NYCRR Part 570 to implement safe siting, operating, and transportation requirements in New York State (the State) for Liquefied Natural Gas (LNG) facilities, in accordance with Article 23, Title 17 of the Environmental Conservation Law (ECL). Adoption of Part 570 allows DEC to permit the siting, construction, and operation of LNG facilities in response to the renewed interest in locating LNG facilities (particularly heavy-duty truck fueling facilities) in the State. Part 570 also addresses the transportation of LNG and the statutory requirement that intrastate transportation occur only along approved routes. The following summarizes 6 NYCRR Part 570.

Section 570.1: INTRODUCTION

Section 570.1 sets out the general purpose, applicability, definitions, exemptions, severability, and enforcement provisions of Part 570. The purpose of this section is to ensure the orderly and efficient administration of ECL Article 23, Title 17 at LNG facilities throughout the State. Consistent with Title 17, this Part does not regulate compressed natural gas or liquefied petroleum gas. These regulations do not require permits for vehicles or vessels that are fueled by LNG but do regulate dispensing facilities (fueling stations) that store LNG.

Section 570.2: PERMIT REQUIREMENTS and APPLICATION PROCEDURES

Section 570.2 applies to the permit requirements and application procedures for LNG facilities, including an explanation of the permit application process; contents of an application; criteria for siting; permit issuance, duration and renewal; public participation guidelines; modification of permit and change of ownership; permit suspension or revocation; and permit application fees and costs. This section also outlines the required procedures to obtain a permit. This section includes an upper limit of 70,000 gallons on the total amount of LNG that will be allowed to be stored at a permitted facility.

Section 570.3: SITE INSPECTIONS, RECORDKEEPING, and TRAINING of LOCAL FIRE DEPARTMENT PERSONNEL

Section 570.3 applies to site inspections, recordkeeping, and training of local fire department personnel. Applicants for permits shall offer emergency training for local fire department staff, and such equipment and personnel as may be required. Compliance with these requirements can either be determined by DEC's personnel or third parties contracted by DEC

who are qualified to monitor compliance. This section also specifies which records must be maintained at all LNG facilities, and which must be either maintained at the facility or provided to DEC within three business days of DEC's request.

Section 570.4: TRANSPORTATION of LNG

Section 570.4 explains the intrastate and interstate transportation requirements of LNG within the State. The regulations prohibit the intrastate transportation of LNG unless the intrastate transportation route has been certified as set forth in subdivision 570.4(a). In reviewing the requirement within the ECL for certified routes (ECL section 23-1713), the State Department of Transportation has determined that since certified routes are not established for other hazardous materials, it would be impracticable to establish certified routes for LNG from sources within the State. For that reason, intrastate transportation of LNG would not be allowed under Part 570. Consistent with ECL Article 23, Title 17, these regulations do not require certification of routes from out-of-state sources of LNG.

Section 570.5: PRE-EXISTING FACILITIES

Section 570.5 sets forth the requirement for pre-existing facilities to comply with the rules and regulations of this Part and the procedures outlined in the ECL Article 23, Title 17. There are three facilities which fit this situation: National Grid's Holtville and Greenpoint facilities, and Con-Edison's Astoria plant. These facilities operate pursuant to DEC Orders issued in 1979.

Section 570.6: PERMANENT CLOSURE of OUT-OF-SERVICE LNG STORAGE TANKS

Section 570.6 establishes the requirements for the permanent closure of out-of-service LNG storage tanks, referring to engineering guidelines and procedures that must be complied with to ensure proper closure.

Section 570.7: FINANCIAL ASSURANCE

Section 570.7 states that financial assurance, the form and amount of which will be established by DEC, may be required to ensure proper closure of LNG facilities.

Section 570.8: REPORTING OF LNG SPILLS

Section 570.8 explains the requirements for reporting a spill of LNG at a permitted facility. Spills of one gallon or more, or lesser amounts that result in a fire or explosion, must be reported.

Section 570.9: EFFECT ON MORATORIUM

Section 570.9 pertains to the existence of a moratorium on the siting of LNG facilities in cities with populations of one million or more. It emphasizes that the LNG regulations will not affect any statutory moratorium. In May 2013, the moratorium was extended to April 1, 2015.

Section 570.10: REFERENCES

Section 570.10 provides a listing of reference materials that are cited in 6 NYCRR Part 570, including those that are incorporated by reference, and explains how they can be obtained for inspection and/or purchasing.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 570.1(c)(9), (d)(5), 570.2(d)(1), 570.3(a) and 570.5.

Revised rule making(s) were previously published in the State Register on November 12, 2014.

Text of rule and any required statements and analyses may be obtained from: Andrew English, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553, email: derweb@dec.ny.gov

Additional matter required by statute: Negative Declaration, Coastal Assessment Form, and Short Environmental Assessment Form have been completed for this rule making.

Revised Regulatory Impact Statement

Changes made to the Express Terms published with the Notice of Adoption do not require revisions to the Revised Summary of Regulatory Impact Statement that was previously published in the November 12, 2014 issue of the State Register.

Revised Regulatory Flexibility Analysis

1. Effect of Rule

The LNG regulations will apply statewide except where new facilities are prohibited by law (currently in New York City). They provide opportunities for small businesses and local governments to construct and operate LNG facilities. The result will be to allow LNG to be stored and used across New York State (the State) at a time when economic conditions are creating significant demand for this alternative fuel. The primary anticipated uses of LNG are in the transportation sector (long-haul trucks) and as a source of heating fuel (space heating, steam production, and industrial uses). Construction and operation of new LNG facilities, without a permit provided by the revised proposed regulations, is prohibited under Environmental Conservation Law, Article 23, Title 17 (the LNG statute).

2. Compliance Requirements

The implementation of these regulations will not adversely affect small businesses or local governments since there are no substantive reporting or record keeping requirements for small businesses or local governments

as a result of the proposed rule making. The reporting obligations contained in the regulations are derived from the LNG statute.

3. Professional Services

Professional services will be required by applicants to prepare applications for facility permits, design facility structures, ensure that all aspects of the facility are in compliance with applicable building, fire, and safety requirements, maintain the facility, and eventually close the facility. Through outreach efforts, the New York State Department of Environmental Conservation (DEC) will make information available on DEC's web site, including answers to questions about the new regulations. Future public workshops (meetings) are anticipated to be scheduled as needed.

4. Compliance Costs

Small businesses and local governments should not incur any additional costs, either initial capital costs or annual compliance costs to comply with the proposed rulemaking beyond what are required for obtaining a permit to construct/operate and normal business costs. It is estimated that the cost to obtain a permit under these regulations would be approximately \$10,000 in addition to the cost to provide specialized training to local fire departments, if needed. Permit application fees would range between \$100 and \$1,000. In addition DEC is authorized to recover costs from the facility to implement the program. Facilities with more than 70,000 gallons capacity would not be allowed under the revised proposed regulations.

5. Economic and Technological Feasibility

The proposed rulemaking enacts into regulation State statutory requirements. It is expected to increase economic growth throughout the State. The proposed rulemaking causes no added economic burdens and requires no additional sophisticated environmental control technology, other than that which may be required by statute and for the facility to be in compliance with existing building and fire safety standards. Accordingly, implementation of these rules will be economically and technologically feasible for small businesses and local governments.

6. Minimizing Adverse Impact

It is DEC's belief that the proposed regulations will not cause a significant economic burden to the small business community or local governments. Promulgating regulations that will establish criteria for the siting and storage of LNG facilities will enhance the State's ability to attract the LNG industry and corporations to provide the public and business communities with an alternative (clean) fueling source. This will provide an economic growth opportunity for the State. In addition, LNG is a cleaner burning fuel, providing significant environmental benefits, and is less expensive than other fuels for uses such as space heating and steam production.

The revised proposed rulemaking does not place any additional burdens on the small business community or local governments or increase the universe of regulatory requirements applicable to the small business community or local governments beyond that which is required by the LNG statute.

Safe production, storage, utilization and transportation of LNG throughout the State will very likely produce substantial economic, environmental, and energy benefits for the entire State with the implementation of statutory requirements of the LNG statute via the promulgation of 6 NYCRR Part 570.

7. Small Business and Local Government Participation

DEC will continue to provide a statewide outreach program to regulated communities and interested parties, including small businesses and local governments. An invitation only Stakeholders Meeting was held on Wednesday, February 27, 2013 at the DEC office in Albany, New York. Persons invited to this meeting represented a broad cross section of industry representatives, public/environmental advocacy groups, utilities, and government personnel. Comments received were considered as the rulemaking documents were revised. DEC also made a presentation regarding the draft regulations at the May 22, 2013 "LNG-CNG-NGV Technical Conference," sponsored by the New York State Department of Public Service. The conference was attended by a variety of business representatives from large and small companies.

During the proposed rule making, outreach efforts included electronic mailings to environmental groups, statewide organizations, regulated community, and other interested parties, including small businesses and local governments. In October 2013, DEC held public meetings at two locations in the State and a public hearing in Albany. During the revised proposed rule making in November 2014, DEC received comments from the public during an additional 30-day public comment period and sent electronic mailings to environmental groups, statewide organizations, regulated community, and other interested parties. DEC also posted and will continue to post relevant information about the LNG regulations, as well as the permit application process, on its website. Future DEC outreach will include contacting fire emergency response personnel regarding their time associated with training for LNG facilities.

Subdivision 570.2(h), Public Participation, states: "Any hearings, comments, or participation by federal, State or local government bodies or

members of the public, relative to any permit proceedings, will be conducted in accordance with procedures established in Parts 621 and 624 of this Title.” This subdivision ensures that any hearings in connection with LNG permit applications will be conducted close to locations where proposed LNG facilities will be sited in the State.

Revised Rural Area Flexibility Analysis

1. Types and Estimated Number of Rural Areas:

This rule will apply statewide to all 44 rural counties and 71 additional rural towns.

2. Reporting, Recordkeeping, Other Compliance Requirements, and Need for Professional Services:

Professional services will be required by applicants to prepare applications for facility permits, design facility structures, ensure that all aspects of the facility are in compliance with applicable building, fire, and safety requirements, maintain the facility, and eventually close the facility. Reporting and recordkeeping requirements of the regulations are minimal, and include reporting spills at the facility and maintaining documents produced in the normal course of business.

3. Costs:

The applicant for a permit is required to offer an emergency response training program for appropriate municipal response personnel. As needed, this training will be held annually and comply with guidance provided by the New York State Fire Administrator within the Office of Fire Prevention and Control of the New York State Division of Homeland Security and Emergency Services. Costs of the initial training of firefighters will range from \$1,000 to \$5,000 per firefighter, depending on the number and the level of experience of the firefighters. Subsequent yearly refresher classes or training costs will range from \$200 to \$500, depending on the number of participants. These costs include a trainer, room, supplies, etc. Releases (i.e., vapor clouds) are addressed with fire fighting techniques. Shorter training courses use simulations to illustrate the behaviors of LNG and explain how to respond to such releases.

The 2011 New York State Energy Research and Development Authority LNG report (available on New York State Department of Environmental Conservation’s (DEC) web site) estimates that the applicant’s cost to complete the application process to apply for and receive a facility permit would be approximately \$10,000. Permit application fees would range between \$100 and \$1,000. In addition DEC is authorized to recover costs from the facility to implement the program. Facilities with more than 70,000 gallons capacity would not be allowed under the revised proposed regulations.

4. Minimizing Adverse Impact:

It is DEC’s belief that the revised proposed regulations will not cause a significant economic burden, place any additional burdens on rural areas, or increase the universe of regulatory requirements applicable to such rural areas beyond those required by the LNG statute, Environmental Conservation Law Article 23 Title 17. In fact, safe transportation, storage and utilization of LNG throughout the State will most likely result in substantial economic, environmental, and energy benefits for the entire New York State.

5. Rural Area Participation:

DEC will continue to provide a statewide outreach program to regulated communities and interested parties, including public and private interests in rural areas. An invitation only Stakeholders Meeting was held on Wednesday, February 27, 2013 at the DEC office in Albany, New York. Persons invited to this meeting represented a broad cross section of industry representatives, public/environmental advocacy groups, utilities, and government personnel. Comments received were considered as the rulemaking documents were revised. DEC also made a presentation regarding the draft regulations at the May 22, 2013 “LNG-CNG-NGV Technical Conference,” which was sponsored by the New York State Department of Public Service. The conference was attended by a variety of business representatives from large and small companies.

During the proposed rule making, outreach efforts included electronic mailings to environmental groups, statewide organizations, regulated community, and other interested parties, including those located in rural areas. In October 2013, DEC held public meetings at two locations in the State and a public hearing in Albany. During the revised proposed rule making in November 2014, DEC received comments from the public during an additional 30-day public comment period and sent electronic mailings to environmental groups, statewide organizations, regulated community, and other interested parties, including those located in rural areas. DEC also posted and will continue to post relevant information about the LNG regulations, as well as the permit application process, on its website. Future DEC outreach will include contacting fire emergency response personnel regarding their time associated with training for LNG facilities.

Subdivision 570.2(h), Public Participation, states: “Any hearings, comments, or participation by federal, State or local government bodies or members of the public, relative to any permit proceedings, will be conducted in accordance with procedures established in Parts 621 and 624

of this Title.” This subdivision ensures that any hearings in connection with LNG permit applications will be conducted close to locations where proposed LNG facilities will be sited in the State, including any sited in rural areas.

Revised Job Impact Statement

Changes made to the Express Terms published with the Notice of Adoption do not require revisions to the Revised Job Impact Exemption Statement that was previously published in the November 12, 2014 issue of the State Register.

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

Introduction

On September 11, 2013, the New York State Department of Environmental Conservation (DEC) proposed the adoption of a new regulation (Part 570, “Liquefied Natural Gas,” in Title 6 of the New York Codes, Rules and Regulations (NYCRR)) to establish a permitting program for the safe siting, construction, and operation of liquefied natural gas (LNG) facilities and transportation of LNG in New York State (State). On November 12, 2014, DEC issued a revised proposed Part 570, and responds to comments received on the initial proposal. This assessment of public comments addresses comments received regarding the revisions made to the proposed regulation. Comments were also received on other general issues similar to comments received regarding the first proposal. These are not included in this assessment since they were addressed previously. Approximately 60 comment submittals were received by DEC on the revised proposal. Similar comments were combined and are addressed below. The promulgation of this regulation by DEC is authorized and required by Article 23, Title 17 of the Environmental Conservation Law (herein referred to as the “LNG law”).

Background

One of the most frequent comments received during the initial public comment period was that an upper limit should be set on the volume of LNG that can be stored at facilities. After careful consideration of the issue, DEC revised the proposed regulation to include an upper limit of 70,000 gallons as an allowable total facility capacity. As DEC gains experience with the permitting of LNG facilities, DEC may reconsider the capacity limit in subsequent revisions to Part 570.

Comments and Responses on Revisions to the Proposed Regulation

1. Multiple commenters offered support for DEC’s revised proposed regulations, which now includes a limit on total facility storage capacity of 70,000 gallons. Commenters stated their opinion that the revised regulation would put in place appropriate health and environmental safety criteria for LNG, and would enable those entities looking to build and operate LNG dispensing facilities in New York State to do so.

Response: Comment noted.

2. Multiple commenters stated their opinion that a facility storage capacity limit of 70,000 gallons is a reasonable limit for refueling stations.

Response: Comment noted.

3. Some commenters stated their opinion that there is no justification for limiting the size of the facilities and urged DEC to fulfill its obligations under Article 23, Title 17 of the Environmental Conservation Law by initiating a new rulemaking applicable to all LNG facilities including those designed to store more than 70,000 gallons.

Response: While DEC believes LNG facilities of any size can be operated safely, the revised regulation imposes a 70,000 gallon limit to recognize this volume as the point at which different requirements for large tanks/facilities are set forth in the national standard. DEC will consider modification to the facility capacity limit in a future rule making.

4. Commenters stated that the 70,000 gallon regulatory limit would be an exceedingly conservative approach representing, for example, just one day’s worth of storage to meet the energy needs of a large paper mill or a cogeneration facility. One commenter pointed out that NFPA 59A provides for a 280,000 gallon maximum aggregate storage capacity for American Society of Mechanical Engineers (ASME) containers. DEC was urged to reconsider the limit so as not to hinder the development of a level playing field for diverse energy options, through which LNG can provide yet another powerful tool to help New York businesses thrive.

Response: Based on currently available information, the facilities likely to be proposed in the first five years will generally be LNG storage facilities used for vehicle fueling. Capacities of up to 70,000 gallons would be sufficient for this type of application. DEC will consider modification of the facility capacity limit in a future rule making.

5. Commenters stated that the revised proposed regulation fails to comply with the LNG statute because the 70,000 gallon facility capacity cap does not establish criteria to meet the maximum safety standard.

Response: To comply with the statutory requirement to develop a

regulation for the storage of LNG, DEC has taken into account the various hazards presented by LNG, reasonable worst case scenarios, the need to establish clear and feasible permitting and operational requirements for those seeking permits, and the various options for balancing each of these sometimes competing factors. DEC believes that the NFPA standards in conjunction DEC's permitting program and the facility capacity limit allows for facilities to safely store LNG and meet the maximum safety standard.

6. A commenter stated that the exemption in § 570.1(d)(5) should be clarified to eliminate confusing references. The commenter recommends that the exemption in § 570.1(d)(5) be rewritten as follows:

(5) A pre-existing facility may continue to operate, without the need to obtain a permit, provided that:

i. there are no design changes or operational modifications that lead to an increase in the on-site LNG facility capacity within the boundaries of the facility;

ii. a corporate officer of the owner with overall responsibility for the operation of the facility signs and submits part two of a statement of compliance (as defined in § 570.1(c)(21)) to the Department within one year of the effective date of this Part, and every five years thereafter; and

iii. the Department receives copies of any reports filed by the owner under the provisions of 16 NYCRR 259.5.

Response: DEC agrees generally with these concerns and has made appropriate modifications in the final regulation.

7. A commenter stated that the revised § 570.2(b)(13) requires applicants to submit information pertaining to property boundaries, land use, flood and population data, and current zoning classification to ensure consistency with local land-use laws. The commenter suggested that the amount, quality, and relevance of land-use data vary by municipality, county, and region. Many municipalities do not have zoning regulations, lack baseline land-use data, and/or lack the technical expertise associated with conducting the adequate level of review that the siting of a new LNG facility would entail. Therefore, the commenter recommended that DEC establish accompanying technical resources and siting criteria to allow municipalities to perform a thorough, rigorous review of proposed LNG facilities.

Response: DEC's evaluation of whether a proposed location would be suitable for a specific LNG facility will not be dependent upon the quality or quantity of land-use data available from a municipality. DEC will determine if the siting of a proposed LNG facility would be consistent with any existing land-use requirements established by the municipality and will review any input from the municipality.

8. A commenter noted that although the revised wording of revised § 570.1(c)(4) seems to clarify that a tank trailer used for the dispensing of LNG at a refueling station would in fact constitute an LNG facility, it is not clear from DEC's response that this applies to tank trailers that are temporarily immobile. For example, in Response 3.5.2 of the DEC's assessment of public comment from the initial proposal, DEC seems to suggest that LNG operations that liquefy and then immediately transport LNG would not require a Part 570 permit. This ambiguity should be resolved and this potential loophole closed.

Response: Consistent with the LNG law, Part 570 distinguishes between "storage" and "LNG transportation activities." The LNG law makes it clear that the transportation of LNG does not require a Part 570 permit but the storage of LNG or conversion back to a gas does. The revision makes it clear that a tank trailer normally used for transportation cannot be used as a de facto storage tank without a permit. This would occur if a trailer were parked ("temporarily immobile") but used to periodically dispense LNG, rather than to continuously load or unload. If natural gas is liquefied and continuously loaded onto a trailer which is subsequently transported, an LNG facility permit is not needed, even if the loading process takes a relatively long time (e.g., more than a day). If, however, LNG was intermittently dispensed from the trailer to vehicles, a permit would be required because the trailer is being used for storage.

9. A commenter stated that the use of the words "permit" and "permittee" in § 570.3 creates confusion for owners of pre-existing facilities. To avoid this confusion, the commenter recommends a new sentence numbered as 570.3(f): "The provisions outlined in 570.3(a) through 570.3(e) do not apply to facilities that meet the definition of "pre-existing facilities" in 570.1(d)(5)."

Response: Pre-existing facilities are not permitted facilities and hence the requirements in §§ 570.3(a) through 570.3(e) do not directly apply. However, several of the substantive requirements of these provisions do currently apply to the pre-existing facilities. DEC will continue to work with pre-existing facilities to ensure that there is no duplication or conflicts between regulatory requirements and those in current or subsequent orders.

10. A commenter stated that § 570.5 ("pre-existing facilities") should be consistent with the permitting exemption in § 570.1(d)(5) for pre-existing facilities or deleted as redundant. It appears that the provisions of

570.5 may be duplicative of the language in 570.1(d)(5); however, if DEC is intending to convey the message that DEC will consider an expansion of a pre-existing facility as long as that facility applies for a permit in advance, the commenter recommends the following modifications to the text:

§ 570.5 Pre-existing Facilities.

All pre-existing LNG facilities may continue to operate without a permit so long as the facility remains in compliance with the three provisions of § 570.1(d)(5). Any proposed design changes or operational modifications that could lead to an increase in the on-site LNG facility capacity must be authorized in advance by a permit applied for and issued pursuant to this Part.

Response: DEC has made an appropriate change in the final regulation.

11. A commenter stated that the revised draft definition of "LNG facility" should be strengthened to prevent industry attempts to avoid the 70,000 gallon storage volume limit by modifying the proposed regulation in the following manner:

"Liquefied natural gas facility" or "LNG facility" means any structure or facility group [sic] of structures that are located on one or more contiguous or adjacent properties under common control that is used to store LNG in a tank system, or other storage device or group of storage devices or to convert LNG into natural gas."

Response: DEC has clarified the definition of LNG facility to address this concern in the final regulations.

12. A commenter recommended that § 570.1(d)(1) and § 570.1(d)(4) be further revised to state that only on-board LNG fuel tanks "used solely to power" or "used exclusively to power" an LNG-fueled vehicle or vessel are exempt. The concern was raised that DEC states in Response 4.1.2 in the initial response to comments that the exemptions provided by § 570.1(d)(1) cover the special case of vehicles or vessels that use boiled-off gas or LNG for propulsion from tanks that are otherwise intended for storage. Using boil-off gas to fuel a vessel or vehicle to transport LNG should require a permit.

Response: DEC has not made this suggested change, because the activity described would be, if ever developed and used, a transportation activity, which is excluded from permitting under the law.

13. A commenter stated that without a sufficient and reliable funding source to administer a new LNG program, and in light of findings by Comptroller DiNapoli that the DEC is already seriously underfunded, it is apparent that DEC will not be equipped to regulate the expanded development of LNG facilities in New York State. Until significant additional staff and funding is provided through fees imposed on the industry or through the State, the LNG regulatory program is illusory. In the absence of funding for enforcement, the public cannot be protected.

Response: In accordance with § 570.2(k), DEC will be able to recover all costs associated with the administration and enforcement of this Part.

14. A commenter recommends that DEC revise the current proposal's reference to the NFPA 59A standards. While the NFPA 52 standards apply to LNG vehicle fueling systems, the NFPA 59A standards do not. As currently drafted, the proposed regulations state that all LNG facilities would be subject to applicable provisions of both the NFPA 52 and the NFPA 59A standards. This may create confusion as to which standards apply to LNG vehicle fueling systems, including potential rail and maritime fueling infrastructure.

Response: In order to eliminate any confusion, DEC has clarified the requirements of this provision in the final regulation.

15. A commenter suggests that confusion is caused for pre-existing facilities by DEC's reference to the 2013 edition NFPA 59A. The revised proposed § 570.2(d)(1) states that "All LNG facilities must comply with all applicable provisions of the August 29, 2012 (2013 edition) of NFPA 59A, "Standard for the Production, Storage, and Handling of Liquefied Natural Gas." This statement appears within revised proposed § 570.2 which is entitled "Permit Requirements and Application Procedures" - if DEC does not intend to include pre-existing facilities in this statement then the sentence should be rewritten, "All LNG facilities (except pre-existing facilities) must comply with... " to eliminate any confusion. If DEC intends that all facilities, including pre-existing facilities, must comply with the 2013 edition of the NFPA 59A standard, it must resolve the conflicts that the revised proposed rule sets up with Federal regulations. In fact, 49 CFR 1932 - the standard which the commenter's facility is audited against by the annual Department of Public Service inspection, requires operators to comply with portions of two specific editions of NFPA 59A: 2001 and 2006. If DEC fails to include a mechanism for resolving any differences that may arise in these various versions of NFPA standards, it may be almost impossible for an owner to file an accurate "statement of compliance" attesting that the facility will be operated in accordance with all applicable law, regulations, standards, and requirements.

Response: DEC has clarified in the final rule that the requirement to comply with the 2013 edition of the NFPA standard does not apply to pre-

existing facilities. DEC will evaluate the differences between the NFPA editions to determine if there are any substantive changes that should be applied to the pre-existing facilities. If so, these changes will be addressed in modifications of the existing orders that authorize these facilities to operate.

16. A commenter stated that with respect to emergency preparedness, DEC has added a requirement that records of training be maintained. However no clarity has been provided as to the scope of training, whether it is mandatory, or what measures must be in place to ensure that local responders actually have the training, equipment, and staff needed to effectively respond to emergencies. The commenter goes on to state that in Response 4.3.2 from the initial response to comments, DEC elaborates on various measures that it claims would be employed by OFPC and DEC, but none of those measures are actually identified in the Regulations. As such there is no assurance that they would in fact be carried out. These necessary details should be included in any final regulations.

Response: It would be inappropriate to provide this level of detail in the regulation. DEC will be issuing guidance to address these issues. DEC is consulting with NYS Office of Fire Prevention and Control (OFPC) to define the personnel, training, and equipment necessary for each LNG facility.

17. A commenter stated that only limited improvements have been made with respect to record keeping. No requirements for maintaining records relating to equipment monitoring and replacement, safety inspections, accident reports or other aspects of operations are identified. Improvements have been made to ensure that LNG spills in excess of one gallon are reported. However the requirement for submitting a written report has been inappropriately extended from 48 hours to ten days, and the exempting phrase "or as otherwise directed by the Department" has been inserted which suggests this requirement could in fact be waived.

Response: Records relating to the issues identified in the comment are required by the NFPA standards and the revised proposed regulation requires that these records be kept. DEC modified the requirement for the written report to allow up to 10 days to ensure that the report is thorough and complete which is not always possible within 48 hours. In addition, the phrase "or otherwise as directed by the Department" allows the DEC to require submission of the report in less time, if appropriate.

18. A commenter noted that DEC should retain authority to perform unannounced inspections.

Response: The final regulation includes a clear statement that DEC may conduct inspections at LNG facilities without prior notice to the operator.

NOTICE OF ADOPTION

To Amend Part 189 Related to the Discovery of Chronic Wasting Disease in Deer in Ohio

I.D. No. ENV-46-14-00002-A

Filing No. 54

Filing Date: 2015-01-22

Effective Date: 2015-02-11

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

Action taken: Amendment of Part 189 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0325, 11-1905 and 27-0703

Subject: To amend Part 189 related to the discovery of chronic wasting disease in deer in Ohio.

Purpose: To prevent importation of chronic wasting disease infectious material from the State of Ohio into New York.

Text or summary was published in the November 19, 2014 issue of the Register, I.D. No. ENV-46-14-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Patrick P. Martin, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-4754, (518) 402-9001, email: Patrick.Martin@dec.ny.gov

Revised Regulatory Impact Statement

The original Regulatory Impact Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended to reflect the changes made to the text of the regulation.

Revised Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed regulation is necessary to protect the wild white-tailed deer and moose populations in New York State from Chronic Wasting

Disease (CWD). The white-tailed deer is a very important natural resource to small businesses and local governments in New York. The purpose of the new regulation is to protect this resource so that New Yorkers may continue to enjoy viewing deer, and benefit from deer hunting, and the positive economic and social effects of deer and deer hunting.

Under the proposed regulations, Ohio will be dropped from the list of states that are exempt from the importation requirement to remove certain parts of the carcass known to harbor the CWD infectious material. All CWD positive states are subject to the same importation requirements. Although this will impact New York residents who may hunt in Ohio and plan to return to New York with field dressed carcasses of the deer, elk or moose they harvested in Ohio, it is anticipated that this will affect relatively few hunters and, with advanced planning, hunters can easily comply with these regulations without losing the opportunity to hunt in Ohio or without the ability to bring back the meat of the animal they harvested.

No local governments will be affected by this rule.

2. Compliance Requirements:

Resident hunters who harvest a deer in Ohio will be required to remove specific parts from the animal taken in Ohio before bringing it back into New York.

3. Professional Services:

The rule will not require local governments or small businesses to engage professional services to comply with this rule.

4. Compliance Costs:

Successful hunters in Ohio will be required to either pay for the processing of their harvested deer before returning to the State or process the harvested deer themselves. Most hunters who hunt in the CWD restricted states have their harvested game processed before they return as a matter of course.

5. Economic and Technological Feasibility:

There is no economic or technological effect on local governments or small businesses. The rule will not require any technological changes or capital expenditures to comply with the new regulation.

6. Minimizing Adverse Impact:

CWD has been confirmed in a number of states and measures to prevent the movement of the disease are in place in all states that have wild CWD susceptible cervids. The affected public (deer, elk and moose hunters) are aware of the CWD restrictions and have accepted them as reasonable and balanced. The Department of Environmental Conservation (department) strongly supports continued research on CWD to understand the modes of transmission, and associated risk variables. As new information becomes available, the department will amend regulations in response to new data or findings to ensure that the best prevention measures are in place to protect the wild deer herd.

7. Small Business and Local Government Participation:

When CWD was first confirmed in New York in 2005, the department held public meetings to explain the nature of the disease, the threat that CWD posed to the wild deer herd and the department's initial response. Since early April 2005, the department has issued press releases and posted CWD information to the department's website to continue to inform the public of developments and findings relative to the department's CWD surveillance program. Similarly, as the department establishes appropriate and necessary regulations to prevent the disease from entering New York, outreach to affected stakeholders (businesses and local governments) will be done so that the importance of the new regulations is understood.

8. Cure Period or Other Opportunity for Ameliorative Action:

Pursuant to SAPA 202-b (1-a)(b), no such cure period is included in the rule because of the potential adverse impact that CWD would have on the health of New York's wild deer herd and moose population. Immediate compliance with this rule is necessary to prevent the introduction of this disease into New York State from Ohio. Compliance is also required to ensure that the general welfare of the public is protected.

Revised Rural Area Flexibility Analysis

The original Rural Area Flexibility Analysis statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended to reflect the changes made to the text of the regulation.

Revised Job Impact Statement

The original Job Impact Statement, as published in the Notice of Proposed Rule Making, remains valid and does not need to be amended to reflect the changes made to the text of the regulation.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

New York State Gaming Commission

NOTICE OF EXPIRATION

The following notices have expired and cannot be reconsidered unless the New York State Gaming Commission publishes new notices of proposed rule making in the *NYS Register*.

Per Se Regulatory Standardbred Threshold Limited to 24 Drugs, Special Corticosteroid Rules

I.D. No.	Proposed	Expiration Date
SGC-49-13-00010-P	December 4, 2013	January 21, 2015

Per Se Regulatory Standardbred Threshold and Restricted Time Period for Betamethasone and Triamcinolone Acetonide

I.D. No.	Proposed	Expiration Date
SGC-49-13-00012-P	December 4, 2013	January 21, 2015

Per Se Regulatory Standardbred Threshold and Restricted Time Period for Dexamethasone and Prednisolone

I.D. No.	Proposed	Expiration Date
SGC-49-13-00013-P	December 4, 2013	January 21, 2015

Per Se Regulatory Standardbred Threshold and Restricted Time Period for Various Drugs

I.D. No.	Proposed	Expiration Date
SGC-49-13-00016-P	December 4, 2013	January 21, 2015

Restricted Time Period for Administrations of Unspecified Corticosteroids to Thoroughbred Horses

I.D. No.	Proposed	Expiration Date
SGC-49-13-00023-P	December 4, 2013	January 21, 2015

Department of Health

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Emergency Medical Services

I.D. No. HLT-37-14-00003-RP

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

Proposed Action: Amendment of Part 800 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3002

Subject: Emergency Medical Services.

Purpose: To clarify terminology, eliminate vagueness, address legal statutes/crimes and incorporate modern professional, ethical and moral standards.

Substance of revised rule: This proposal amends Sections 800.3, 800.6, 800.8, 800.9, 800.15 and 800.16 of Part 800 (Emergency Medical Services) of Title 10 of the Official Code of Rules and Regulations of the State of New York (10 NYCRR) particularly as they relate to certification, recertification and continuing medical education recertification requirements, required conduct of every person certified under Part 800 and the suspension or revocation of certification.

Section 800.3 of 10 NYCRR contains all the definitions that apply to Part 800 (Emergency Medical Services). Definitions amended in this proposal are “emergency medical technician”, “primary territory”, “course sponsor”, and “learning contract”. New definitions added are “continuous practice”, “criminal offense”, “incompetence”, “negligence”, “non-criminal offense”, “patient abandonment”, “patient abuse”, “patient contact”, “regulatory violation”, “scope of practice”, “state approved protocols”, and “treatment”.

Section 800.6 of 10 NYCRR sets forth the Initial Certification Requirements and has been revised to remove the emergency medical technician-

defibrillation (EMT-D) category as a level for which certification is available. This section is also revised to reflect the policy of this state to encourage the licensure and employment of person previously convicted of one or more criminal offenses and incorporate Article 23-A of the Corrections Law into the review of applicants’ criminal offenses.

Section 800.8 of 10 NYCRR outlines the Recertification requirements for applicants. This section adds that an applicant must enroll in a recertification course provided by an approved course sponsor as set forth in Section 800.20 (Course Sponsors) and complete the requirements for recertification at the level at which recertification is sought. Also added is that, within one year after passing the practical skills examination, the applicant must pass the State written certification examination for the level at which the certification is sought except at the certified instructor coordinator level and certified lab instructor level. It incorporates Article 23-A of the Corrections Law into the review when people seeking renewals of their certifications have had criminal convictions as defined in Section 800.3.

Section 800.9 of 10 NYCRR contains the Continuing Medical Education Recertification provisions previously titled Continuing Education. This section authorizes candidates who have demonstrated competence in applicable behavioral and performance objectives, and who have demonstrated completion of appropriate continuing medical education may be entitled to have their certification renewed without being required to successfully complete a state practical skills and written examination. It then sets forth the parameters for recertification using continuing medical education and once again applies the provisions of Article 23-A when reviewing the criminal offenses defined in Section 800.3, of those seeking recertification.

Section 800.15 of 10 NYCRR outlines the Required Conduct for every person certified at any level pursuant to Part 800 of 10 NYCRR or Article 30 of the Public Health Law, adhering to currently acceptable prehospital practice standards, maintenance of confidentiality at all times with certain exceptions, and compliance with the terms of a Medical Order of Life Sustaining Treatment (MOLST) form or a non-hospital Do Not Resuscitate (DNR) form, or a patient’s DNR bracelet or necklace with certain exceptions.

Section 800.16 of 10 NYCRR sets forth the Suspension or Revocation of Certification provisions. This section refines the criteria for which a suspension or revocation of certification will apply incorporating the new definitions contained in Section 800.3 and failure to meet the requirements contained in Sections 800.6, 800.8, 800.9 and 800.15.

Revised rule compared with proposed rule: Substantial revisions were made in sections 800.3, 800.6, 800.8, 800.9, 800.15 and 800.16.

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

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

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of this regulation is contained in Public Health Law (PHL) Article 30 (Emergency Medical Services), Section 3002. Section 3002 sets forth the provisions creating the New York State Emergency Medical Services Council and specifies that it shall have the power, by an affirmative vote of a majority of those present, subject to approval by the Commissioner, to enact, and from time to time, amend and repeal, rules and regulations establishing minimum standards for ambulance services, ambulance service certification, advanced life support first response services, the provision of prehospital emergency medical care, public education, the development of a statewide emergency medical services system, the provision of ambulance services outside of the primary territory specified in the ambulance services’ certificate and the training, examination, and certification of certified first responders, emergency medical technicians, and advanced emergency medical technicians; provided, however that such minimum standards must be consistent with the staffing standards established by the staffing standards, ambulance services and advanced life support first response services provisions outlined in PHL Section 3005-a.

Legislative Objectives:

The purpose of PHL Article 30 is to promote the public health, safety and welfare by providing certification for pre-hospital care providers and all advanced life support first response and ambulance services.

Needs and Benefits:

The Department’s Bureau of Emergency Medical Services (BEMS) is charged with enforcement of 10 NYCRR Part 800 (State Emergency Medical Services Code). When the NYS EMS system was founded, the original PHL Article 30 and Title 10 New York Codes Rules and Regula-

tions (NYCRR) Part 800 provisions addressed the provision of emergency medical services at the time; incorporating the practices, standards, ethics, morals, crimes and punishments of the day. In the early 1990's, PHL Article 30 and 10 NYCRR Part 800 underwent major revisions so as to reflect changes that had occurred over the previous 20 years in EMS and health care and society as a whole. Moreover, these significant changes were enacted so as the Department could maintain the standard of an essential public health service (EMS) provided in the most responsible manner.

Now again, another 20 years later, the Department is faced with trying to apply outdated rules to a modern system. It is impractical and difficult for the Department to try to update what was long ago determined an essential public health service under rules that no longer apply, as well as try to apply rules from two decades ago to situations that did not exist two decades ago.

Of greatest concern is that the current rules make it difficult for the Department to adequately regulate an essential public health service, and for the Commissioner to adequately protect the health and welfare of patients of that service. Just as the Commissioner relies on clear and specific regulations and standards to monitor and discipline physicians in the course of protecting the public, so too must the Commissioner have clear and specific regulations to monitor and discipline EMS providers in order to protect the public.

Section 800.3 contains the definitions used throughout Part 800. Section 800.6 outlines initial certification requirements, and Sections 800.8 and 800.9 outline recertification requirements and continuing medical education recertification requirements respectively. Section 800.15 specifies the required conduct of every person certified under Part 800 and Section 800.16 sets forth the suspension or revocation of certification provisions. These provisions must be updated and replaced with regulatory language that encompasses the various categories of EMS providers and their authorized scope of practice; clarifies terminology and other provisions; identifies inappropriate conduct by EMS providers; ensures that Corrections Law Article 23-A's balancing test will be used when reviewing applicants and existing providers who have criminal convictions; enhances enforcement of regulatory compliance and discipline of violators; as well as incorporates modern professional standards.

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

Costs to the regulated parties (EMS providers) will be none; unless the Department finds cause to take action against an EMS provider under the provisions of Sections 800.15 and/or 800.16, at which time (depending on the severity of the case) the EMS provider may be administratively sanctioned including monetary fines, probation, and/or suspension or loss of certification.

Cost to State and Local Government:

Costs to the general public, state and local government will be none. These regulations are directed at the individual EMS provider, not the EMS agency for which the provider works. In that, even if the EMS agency is part of a local municipal government, Department actions taken with respect to Sections 800.15 and or 800.16 will still be upon the individual EMS provider and not the municipality.

Cost to the Department of Health:

Costs to the Department of Health will be none. As stated above these regulations are directed to the individual EMS provider. Department actions taken with respect to Sections 800.15 and or 800.16 will still be upon the individual EMS provider. The Department will not incur any additional costs.

Local Government Mandates:

None. These provisions do not add any additional mandates to local governments.

Paperwork:

No additional new paperwork will be required.

Duplication:

This measure does not duplicate, overlap or conflict with a State or federal statute or rule.

Alternative Approaches:

There are no other viable alternative approaches. Current provisions are outdated and must be updated to reflect appropriate EMS standards and practice.

Federal Requirements:

This regulatory amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. This proposal is intended to update outdated Part 800 provisions with language appropriate and applicable to the modern EMS system of today.

Compliance Schedule:

This proposal will go into effect upon a Notice of Adoption in the New York State Register.

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

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

Assessment of Public Comment

Public comments were submitted to the NYS Department of Health (DOH) in response to the proposed changes to Title 10 NYCRR Part 800. Many of the comments were the same or similar. These comments and the Department of Health's responses are summarized below:

1. COMMENT: Concerns were expressed about the broadness of the definition of "non-criminal offenses."

RESPONSE: Comments and concerns have been addressed by the substantial narrowing of this definition and the exclusion of the language objected to in many of the comments.

2. COMMENT: Concerns that the definition of patient abandonment would include multiple patient triage situations.

RESPONSE: This concern was addressed by adding language that excludes the medical triage of multiple patients in mass casualty situations.

3. COMMENT: Received suggested language for the inclusion of Medical Orders for Life Sustaining Treatment (MOLST).

RESPONSE: Issues were addressed in the revision.

4. COMMENT: "Continuous Practice" as defined does not include EMS personnel that serve in non-patient care functions. The comments indicated that the definition should include certified EMS providers that serve as administrators, emergency managers, planners, educators, quality assurance officers and other like positions.

RESPONSE: Article 30, section 3002 -2B of the NYS Public Health Law enables those certified EMS providers in continuous practice providing direct patient care to recertify through a continuing medical education process. While there is no dispute that "non patient care providing personnel" are essential to the EMS system, those that are not actively providing direct patient care may not be maintaining the skill and didactic acuity necessary for this method of recertification. There are other recertification options available. Therefore, no change has been made to this section based on the comment.

5. COMMENT: Comment wished to confirm that an EMS provider with a lapsed certification beyond one year will continue to have the ability to recertify by completing and passing the requirements of an appropriate refresher training program.

RESPONSE: This section was clarified to insure that any individual previously certified in NYS will continue to be allowed to recertify their EMS certification by completing and passing the requirements of an appropriate refresher training program.

6. COMMENT: There were many comments and concerns regarding the definition of "criminal offenses".

RESPONSE: The definition of "criminal offenses" has been entirely re-written to address these comments and to track closely the listed offenses in the underlying statute, Public Health Law Section 3005(8)(ii)(a) and Section 3012(1)(i).

7. COMMENT: There were many comments and concerns about the review process for an individual with criminal convictions described in the proposed Sections 800.6, 8, 9 and 16.

RESPONSE: These sections have been entirely re-written to require that the review process and consideration is in compliance with Article 23-A of the Corrections Law. Additionally, disqualification from certification must be based on a determination that there is a direct relationship between one or more of the criminal offenses and the duties required of this certificate, or that the applicant's hiring would create an unreasonable risk to property or the safety or welfare of a specific individual or the general public. In determining these issues, the agency will look at the eight factors listed under New York State Correctional Law Section 753.

8. COMMENT: There are a number of comments indicating concern about a requirement of proposed Section 800.15(b)(1) that each EMS care provider involved in the care of a specific patient or a response to an individual incident would be required to complete a separate prehospital patient record.

RESPONSE: This section has been clarified to state the when a certificate holder is acting as part of an organized pre-hospital emergency medical service, the certificate holder responsible for patient care shall accurately complete a pre-hospital care report. This clarification means that every certified provider does not have to complete a separate patient record.

9. COMMENT: Comments regarding definitions for provider certification levels was submitted with suggested specific language.

RESPONSE: While the comments have some validity, the terminology is not supported by Article 30 of the Public Health Law, therefore no changes were made based on the suggested comments.

10. COMMENT: A number of comments identified typographical errors or requested terminology changes.

RESPONSE: We have made the changes as identified.

11. COMMENT: Several comments expressed a sentiment that "stakeholders" were not included in the proposed rule making process. Some specifically mentioned the perceived exclusion of the NYS EMS Council (SEMSCO), and the Regional EMS Councils. There are eighteen (18) of the latter.

RESPONSE: Stakeholders were included in the process. To wit:

1) SEMSCO was included in the process, and in fact, unanimously approved the proposed changes at its January 14, 2015 meeting. SEMSCO is comprised of thirty-one (31) members [PHL 3002(1)]. Eighteen (18) of these members, a majority of the body, represent the various REMSCOs.

2) Comments were received from various EMS trade organizations, REMSCOs, EMS agencies, and even individual EMS providers.

Division of Homeland Security and Emergency Services

EMERGENCY RULE MAKING

Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices

I.D. No. HES-06-15-00001-E

Filing No. 53

Filing Date: 2015-01-21

Effective Date: 2015-01-21

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

Action taken: Addition of Part 225 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 156(20) and 156-h; and L. 2014, ch. 477

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

Specific reasons underlying the finding of necessity: Executive Law section 156-h requires that the Office of Fire Prevention and Control promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. Registration is required prior to the legal sale of such sparkling devices. This rule includes the registration processes, fees and reporting requirements. Accordingly, this rule must be adopted on an emergency basis in order to ensure that such procedures are in effect to assure the public's safety and general welfare.

Subject: Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices.

Purpose: Establish the registration process, fees and reporting requirements related to sparkling devices.

Substance of emergency rule: Section 225.1 Definitions

Establishes definitions of sparkling devices according to new statutory language. Establishes that "Sparkling Devices" are consumer fireworks for the purpose of the Uniform Fire Prevention and Building Code and National Fire Protection Association standard 1124 (2006).

Section 225.2 Registration

Requires every manufacturer, distributor, wholesaler, specialty retailer, or permanent retailer of sparkling devices to annually register with the Office of Fire Prevention and Control. Requires temporary (seasonal) retailers to register with the Office of Fire Prevention and Control each selling season. Establishes the registration process and related documentation required as part of the registration package.

Section 225.3 Fees

Establishes application fees; the revenue of which goes to the Office of Fire Prevention and Control to be used for firefighter safety and training programs as well as for the registration process, consistent with Executive Law § 156-h. A manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; a specialty retailer must pay an annual registration fee of \$2,500; a permanent retailer must pay an annual registration fee of \$200 for each location; and a temporary seasonal retailer must pay a registration fee of \$250 per season for each location.

Section 225.4 Certification

The Office of Fire Prevention and Control is responsible to issue a certification valid for one year to manufacturers, distributors, wholesalers. Certificates issued to temporary seasonal retailers will be valid for 30 day prior to through 30 day after the dates of the selling season specified in General Business Law § 392-j. Non-compliance with any of the requirements set forth may result in a revocation of the certificate of registration, as determined by the Office of Fire Prevention and Control. Revocation shall remain in effect until the manufacturer, distributor, wholesaler, specialty retailer, permanent retailer, or temporary seasonal retailer

provides evidence of compliance acceptable to the Office of Fire Prevention and Control.

Section 225.5 Records and Reports

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the Office of Fire Prevention and Control, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Establishes the Office of Fire Prevention and Control's authority to inspect to assure compliance with the terms of registration/certification.

Section 225.6 Reporting of incidents

Requires manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers to report basic information incidents of fires or explosions, including accidental discharge of sparkling devices that occurs on premises to the Office of Fire Prevention and Control: within 24 hours if no injury or death; within 1 hour, or as soon as practicable if injury or death is involved. The Office of Fire Prevention and Control is responsible to share information with local code enforcement officials, as appropriate.

Section 225.7 General Requirements

Requires posting of documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

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 20, 2015.

Text of rule and any required statements and analyses may be obtained from: Elisha S. Tomko, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg. 7A, Albany, NY, (518) 474-6746, email: elisha.tomko@dhses.ny.gov

Regulatory Impact Statement

1. Statutory Authority

Section 156(20) of the Executive Law authorizes the Office of Fire Prevention and Control to register the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices who wish to do business in New York State. Section 156-h of the Executive Law requires that the Office of Fire Prevention and Control promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

2. Legislative Objectives

The legislative objective behind section 156(20) and section 156-h are to assure that the proper processes are in place prior to the sale of sparkling devices. Registration with the Office of Fire Prevention and Control is required prior to the sale of such sparkling devices, pursuant to General Business Law 392-j.

3. Needs and Benefits

Section 156-h of the Executive Law requires that the Office of Fire Prevention and Control promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices, to include the registration process and requirements, fees and reporting requirements.

4. Costs

The rule establishes application fees, consistent with section 156-h of the Executive Law. A manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the Office of Fire Prevention and Control for each location.

The cost to the Office of Fire Prevention and Control for the implementation of the rule is approximately \$850,000 per year for administration, inspection and investigative costs. Section 156-h requires that revenue generated from registration fee payments must be used for firefighter safety and training programs as well as for the registration process.

In developing its cost estimates associated with the implementation and execute the registration, inspection and investigations aspects of this new responsibility, the Office of Fire Prevention and Control consulted with state fire marshal offices in other states that have recently legalized sparkling devices and/or consumer fireworks in an effort to learn what their work load experiences have been. OFPC extrapolated the data and applied it to its specific costs (IE: personnel and equipment).

There would be no costs to local governments for the implementation of the rule.

5. Local Government Mandates

This rule making will not impose any program, service, duty or responsibility upon counties, cities, towns, villages, school districts, fire districts or other special districts. This rule regulates the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

6. Paperwork

The Office of Fire Prevention and Control will be required to develop and make available registration forms, certification forms and a sparkling device safety pamphlet. Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the Office of Fire Prevention and Control, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in this State. Retailers will be required to post documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

7. Duplication

No rules or other legal requirements of either the state or federal government exist at the present time which duplicate, overlap, or conflict with the rule.

8. Alternatives

The Office of Fire Prevention and Control does not have statutory authority to consider any alternative other than to adopt a rule addressing these issues, no other significant alternatives were considered.

9. Federal Standards

Any person importing, manufacturing for commercial use, dealing in, transporting or causing to be transported, or otherwise receiving certain fireworks must obtain an ATF Federal explosives license or permit for the specific activity. Federal explosives licensees and permittees must comply with all applicable regulations under 27 CFR, Part 555. Any person manufacturing consumer fireworks for commercial use must obtain a Federal explosives manufacturers license. This rule does not exceed or conflict with such requirements.

10. Compliance Schedule

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices can comply with the requirements of the rule once a city or county opts to legalize the sale and use of sparkling devices within its municipality.

Regulatory Flexibility Analysis

1. Effect of rule

The rule does not affect local governments. The rule affects small businesses, including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

2. Compliance requirements

This rule making will not impose any reporting, recordkeeping or other affirmative acts on local governments.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Small business specialty retailers, permanent retailers and temporary seasonal retailers will be required to post documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

3. Professional services

Neither local governments or small business affected by this rule will require professional services in order to comply with the rule.

4. Compliance costs

There would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500; Permanent retailer must pay an annual registration fee of \$200 for each lo-

cation; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the Office of Fire Prevention and Control for each location.

5. Economic and technological feasibility

The rule sets forth the registration and reporting requirements for small business manufacturers, distributors, wholesalers, and retailers of sparkling devices, both of which are economically and technologically feasible.

6. Minimizing adverse impact

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees, contained in the rule, are created by statute and therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

7. Small business and local government participation

Small business and local government did not participate in this emergency rulemaking process. Small business and local governments, through their respective associations, will be invited to participate in the proposed rulemaking process.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

The rule would apply to counties and cities, outside of New York City, that opted to legalize the sale and use of sparkling devices, including those located in rural areas as that term is defined in section 102(10) of the State Administrative Procedure Act ("SAPA").

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

This rule making will not impose any reporting, recordkeeping or other affirmative acts on local governments in rural areas.

In counties and cities, in rural areas, that opted to legalize the sale and use of sparkling devices, manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Specialty retailers, permanent retailers and temporary seasonal retailers will be required to post documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

In rural areas, professional services are not required to comply with the rule.

3. Costs

In rural areas, there would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the Office of Fire Prevention and Control for each location.

4. Minimizing adverse impact

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees, contained in the rule, are created by statute and therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

5. Rural area participation

Representatives of rural areas did not participate in this emergency rulemaking process. Businesses and local governments, in rural areas, through their respective associations, will be invited to participate in the proposed rulemaking process.

Job Impact Statement

1. Nature of impact

The nature of the impact that the rule will have on jobs and employment opportunities is expected to be minimal based on the seasonal/limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

2. Categories and numbers affected

The rule may result in part-time seasonal/temporary retail jobs in those counties and cities that have opted to legalize the sale and use of sparkling

devices during the limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

3. Regions of adverse impact

The minimal impact that the rule will have on jobs and employment opportunities will not result in a disproportionate impact on any region of the State.

4. Minimizing adverse impact

The rule would not have any adverse impact on existing jobs.

Office of Mental Health

NOTICE OF ADOPTION

Telepsychiatry Services in OMH-Licensed Clinics

I.D. No. OMH-38-14-00001-A

Filing No. 59

Filing Date: 2015-01-27

Effective Date: 2015-02-11

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

Action taken: Addition of section 599.17 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09 and 31.04

Subject: Telepsychiatry services in OMH-licensed clinics.

Purpose: Establish basic standards and parameters to approve telepsychiatry in OMH-licensed clinic programs choosing to offer service.

Text of final rule: A new Section 599.17 is added to Title 14 NYCRR to read as follows:

§ 599.17 Telepsychiatry services.

(a) Definition of Telepsychiatry. For purposes of this Section, “telepsychiatry” means the use of two-way real-time interactive audio and video to provide and support clinical psychiatric care at a distance. Such services do not include a telephone conversation, electronic mail message, or facsimile transmission between a clinic and a recipient or a consultation between two professional or clinical staff (as such terms are defined in this Part), although these activities may support telepsychiatry services.

(b) Approval to Offer Telepsychiatry Services.

(1) Telepsychiatry services may be authorized by the Office for assessment and treatment services provided by physicians who are board certified or board eligible in psychiatry, or nurse practitioners qualified in psychiatry, from a site distant from the location of a recipient, where both the recipient and such physician or nurse practitioner are physically located at clinic sites licensed by the Office.

(2) Requests for approval to offer telepsychiatry services shall be submitted to the Field Office serving the area in which either licensed clinic is located. Such Field Office may make an on-site visit prior to issuing approval.

(3) Approval of the Office will be based on submission and review of a written plan to provide telepsychiatry services that addresses the following standards and procedures:

(i) All telepsychiatry services must be performed on dedicated secure transmission linkages that meet minimum federal and state requirements, including but not limited to 45 C.F.R. Parts 160 and 164 (HIPAA Security Rules), and which are consistent with guidelines of the Office. Transmissions must employ acceptable authentication and identification procedures by both the sender and the receiver.

(ii) Confidentiality must be maintained as required by Mental Hygiene Law Section 33.13 and 45 C.F.R. Parts 160 and 164 (HIPAA Privacy Rules).

(a) All existing confidentiality requirements that apply to written medical records shall apply to services delivered by telecommunications, including the actual transmission of the service, any recordings made during the time of transmission, and any other electronic records.

(b) The spaces occupied by the recipient and the distant physician or nurse practitioner both must meet the minimum standards for privacy expected for recipient-clinician interaction at a single licensed clinic location.

(iii) Culturally competent translation services shall be provided when the recipient and distant physician or nurse practitioner do not speak the same language.

(iv) Telepsychiatry services provided to recipients under age 18 may include clinical staff, as such term is defined in this Part, in the room with the recipient. Such determinations shall be clinically based, consistent with clinical guidelines issued by the Office.

(v) All telepsychiatry sites must have a written procedure detailing the availability of face-to-face assessments by a physician or nurse practitioner in an emergency situation.

(vi) Procedures for prescribing medications shall be identified.

(vii) The recipient shall be enrolled at only one of the two sites.

(a) If the recipient is enrolled at the site away from the physician or nurse practitioner, such physician or nurse practitioner shall prepare appropriate progress notes and securely forward them to the clinic as a condition of reimbursement.

(b) If the telepsychiatry services for a particular recipient are a regular part of the recipient’s treatment plan, the physician or nurse practitioner must coordinate with the responsible professional at the clinic of enrollment, and prepare and update the treatment plan in accordance with applicable provisions of this Part to permit the clinic to be reimbursed for continuing services.

(viii) The recipient shall be provided with basic information about telepsychiatry and shall provide his or her consent to participate in services utilizing this technology. The recipient has the right to refuse to participate in telepsychiatry services and must be made aware of the alternatives including any delays in service, need to travel, risks associated with not having the services provided by telepsychiatry, or right to select another provider.

(ix) There must be a written procedure detailing the contingency plan when there is a failure of the transmission or other technical difficulties that render the service undeliverable.

(x) A review of telepsychiatry services shall be included in the provider’s quality management process.

(4) Clinics approved to offer telepsychiatry services shall be provided with written authorization to do so by the Field Office. Upon such approval, telepsychiatry services will be identified as an optional service on a clinic provider’s operating certificate.

(c) Reimbursement standards.

(1) Telepsychiatry services must be provided by a physician or nurse practitioner who possesses a current, valid license to practice in New York State.

(2) For the purposes of this Section, telepsychiatry services shall be considered face-to-face contacts.

(3) To be eligible for Medicaid reimbursement, telepsychiatry services must meet all requirements of this Part applicable to assessment and treatment services, and must exercise the same standard of care as in-house delivered services.

(4) Telepsychiatry services will be reimbursed at the same rates for identical procedures provided by on-site physicians or nurse practitioners.

(d) Guidance. The Office shall post implementation guidance on its public website to assist in the provision of telepsychiatry services. Such guidance shall include:

(1) clinical guidelines; and

(2) technology guidelines, including:

(i) the minimum technology thresholds (i.e., equipment, bandwidth, videoconferencing software, network specifications, carrier selection, hub/bridge, and security specifications), which shall be updated as new technology is approved; and

(ii) the form or format regarding the technology and communications to be used.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 599.17(a), (b)(1), (2), (3), (4), (c)(2), (4) and (d).

Text of rule and any required statements and analyses may be obtained from: Sue Watson, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: Sue.Watson@omh.ny.gov

Revised Regulatory Impact Statement

A revised Regulatory Impact Statement (RIS) is not included with this notice since the changes to the final adopted rule do not necessitate a change to the RIS. The revisions are non-substantive and serve to provide clarity with respect to the expectations of the Office of Mental Health. The changes include the following:

- clarification that telepsychiatry services may be provided by physicians who are board certified or board eligible in psychiatry or nurse practitioners qualified in psychiatry;

- clarification that culturally competent translation services shall be provided when the recipient and distant physician or nurse practitioner do not speak the same language, and removal of the requirement that a translator be physically located with the recipient;

- the term “telepsychiatric” has been changed to “telepsychiatry”;
- inclusion of language stating that telepsychiatry will be listed as an optional service on operating certificates of clinics that have been granted approval to offer such services; and

- clarification with respect to the technology guidelines that will be posted on the OMH website.

Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments is not included with this notice since the changes made to

the final adopted rule are non-substantive and serve to provide clarity with respect to the expectations of the Office of Mental Health. The amendments will not have an adverse economic impact upon small businesses or local governments.

Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis is not included with this notice since the changes made to the final adopted rule are non-substantive and serve to provide clarity with respect to the expectations of the Office of Mental Health. The amendments will not impose any adverse economic impact on rural areas.

Revised Job Impact Statement

A revised Job Impact Statement is not included with this notice since the changes made to the final adopted rule are non-substantive and serve to provide clarity with respect to the expectations of the Office of Mental Health. The amendments to 14 NYCRR Part 599 will not have a negative impact on jobs or employment opportunities.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Mental Health (OMH) received eight letters of comment in response to the proposed rule regarding the use of telepsychiatry in OMH-licensed clinics. The comments are addressed below:

Comment: A professional medical specialty organization submitted a letter of comment stating that only those health care professionals with appropriate training and expertise should be authorized to provide telepsychiatry services. Therefore, they believe the regulation should be amended to clarify that only a physician board certified or board eligible in psychiatry or a nurse practitioner qualified in psychiatry should provide telepsychiatry services.

Response: OMH agrees. The agency has rephrased the provision clarify this credentialing requirement in the final adopted rule.

Comment: A few commenters stated that OMH should allow telepsychiatry services to be expanded beyond physicians and nurse practitioners to include the full spectrum of providers, consistent with regulations of the Centers for Medicare and Medicaid Services (CMS). Another commenter stated that physician assistants should be included in the list of providers who are allowed to perform the service.

Response: This recommendation is beyond the scope of the proposed amendments, which are intended to address New York State’s crucial shortage of prescribing providers. Therefore, the agency’s first priority is to address treatment services delivered by these types of providers. However, OMH is not opposed to moving in this direction over time.

Comment: Several commenters stated that telepsychiatry services should be not limited to OMH-licensed clinics. They felt that the recipients’ locations, as well as the originating sites, should be expanded to allow flexibility in the delivery of services. One commenter stated that the “hub” and “spoke” sites are inconsistent with current New York State initiatives including Health Homes, HARPS, and the intent of the 1915(i) waiver services.

Response: This recommendation is beyond the scope of this proposed amendment, the purpose of which is to facilitate the use of telepsychiatry to connect more patients to prescribing providers. Nonetheless, the agency has every intention to further expand into additional telehealth services in partnership with other healthcare agencies and providers and will continue to work in this direction.

Comment: Two commenters stated that the term “telepsychiatry” should be changed to “telebehavioral health”. One commenter believes that OMH should work with the New York State Department of Health and the New York State Office of Alcoholism and Substance Abuse Services to promulgate regulations that permit telepsychiatry across all health settings. A healthcare association stated that OMH should allow for telepsychiatry services between differently licensed providers (e.g., Article 28 and 31 providers).

Response: The term “telepsychiatry” is consistent with the nomenclature in the field and does not in itself preclude the use of telemedicine across the spectrum of psychiatric and behavioral health care.

Comment: One commenter stated that Medicaid reimbursement under the regulation should be reconciled with New York’s Medicaid policy.

Response: Reimbursement for telepsychiatry has already been addressed with the New York State Department of Health (DOH) and conforms to reimbursement criteria defined by the Centers for Medicare & Medicaid Services (CMS): the same as face-to-face encounters.

Comment: One commenter expressed concern regarding provisions related to the use of interpreters. The commenter believes that, due to the natural tendencies of recipients to direct communication toward interpreters rather than providers, the regulation should be amended so the

interpreter is present with the provider, rather than recipient. The commenter believes this is especially critical with providing telepsychiatry services to patients whose primary language is American Sign Language.

Response: OMH agrees. The agency has removed the language requiring the interpreter be physically present with the patient so greater communication versatility will allow for culturally competent treatment.

Comment: The above-referenced commenter stated that the regulation is written to address recipients who do not speak English, but in some cases, providers do speak their language. The commenter believes the regulation should be amended to clarify that culturally competent translation services be provided when the recipient and the provider do not speak the same language.

Response: OMH agrees. The agency has amended the language to simply read, “culturally competent translation services will be provided when the recipient and the provider do not speak the same language.”

Comment: This same commenter suggested that due to the scarcity of interpreter services in many areas of the state, the regulations should allow for the use of “language-lines” by three-way calling or speaker phones. This commenter also believes that clarification should be provided with respect to the term “face-to-face”.

Response: The term “face-to-face” has the same meaning as it has throughout the Part 599 regulations. The amendment indicates those encounters that require face-to-face contact in the Part 599 regulations can be accomplished through telepsychiatry, and will be sufficient for billing purposes. With respect to suggesting a reference to language-lines, they are one of many ways in which culturally competent treatment services can be provided, and as such are already implicit in this requirement.

Department of Motor Vehicles

NOTICE OF ADOPTION

Relicensing After Revocation

I.D. No. MTV-48-14-00006-A

Filing No. 52

Filing Date: 2015-01-21

Effective Date: 2015-02-11

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

Action taken: Amendment of sections 136.1, 136.4 and 136.5 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 501(2)(c), 510(6), 1193(2)(b)(12), (c)(1) and 1194(2)(d)(1)

Subject: Relicensing after revocation.

Purpose: To clarify and strengthen criteria relative to relicensing after revocation.

Text or summary was published in the December 3, 2014 issue of the Register, I.D. No. MTV-48-14-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 526, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Assessment of Public Comment

The agency received no public comment.

Office of Parks, Recreation and Historic Preservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Resident Curator Program

I.D. No. PKR-06-15-00002-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 389.1; and addition of section 389.2 to Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, section 3.09(2-h)

Subject: Resident Curator Program.

Purpose: To rehabilitate vacant and unused buildings at no cost to the State by leasing the buildings to private individuals.

Text of proposed rule: Paragraphs (4) and (5) of subdivision (a) of § 389.1 of Title 9 NYCRR are amended and a new paragraph 6 is added to read as follows:

(4) facilities operated under concession agreements in accordance with subdivision 2-a of section 3.09 of the Parks, Recreation and Historic Preservation Law; [and]

(5) historic sites and recreational facilities operated on behalf of the office by not-for-profit corporations acting pursuant to license agreements entered into under subdivision 2 of section 3.09 of the Parks, Recreation and Historic Preservation Law[.]; and

(6) buildings operated under the resident curator program established by subdivision 2-h of section 3.09 of the Parks, Recreation and Historic Preservation Law.

A new section 389.2 is added to Part 389 of Title 9 NYCRR to read as follows:

Section 389.2 Resident curator program.

(a) Purpose of this section.

(1) There is established within the office a resident curator program to encourage investment, restoration and occupancy of certain buildings which currently serve no park-related purpose and which, if they remain unoccupied, are at risk of progressive deterioration. Buildings identified under the resident curator program have been determined by the office to be obsolete for purposes of advancing the core mission of the office and are better suited for rehabilitation and residential use.

(2) Pursuant to the provisions of this section, responsible individuals will be invited to rehabilitate buildings under the jurisdiction of the office for the purpose of residential occupancy.

(b) Definitions.

(1) "Resident curator" means an individual who enters into a lease with the office to rehabilitate and maintain certain property, which may include buildings or structures and surrounding land in exchange for occupancy of the property.

(2) "Responsible individual" means a person qualified as a responsible vendor under State procurement guidelines and who demonstrates the skills, knowledge, interest, and financial means to invest in, occupy, and improve the property; and who demonstrates interests compatible with the mission of the office as well as a desire to work in a partnership with the office.

(3) "Work plan" means the schedule for improvements to the subject property, estimated budget, sources of funding, a list of required approvals, and any similar information submitted by an applicant in response to the request for proposals (RFP) issued by the office.

(c) Criteria for selection of a resident curator.

(1) Evaluation criteria. The office shall evaluate proposals from responsible individuals using the criteria described in the RFP and the following:

(i) Compatibility of proposed rehabilitation concept. The proposed concept for rehabilitation and work plan for the improvements to the property shall be compatible with the office's mission and management of the state park where the property is located, the surrounding environment, and the historic character of the property, and shall consider the use of environmentally sustainable products and practices in rehabilitation, maintenance, and management.

(ii) Feasibility of work plan. The proposed work plan and concept for rehabilitation must be feasible in light of proposed capital investments and capable of being performed within the lease term as determined by the office.

(iii) Experience and qualifications. An applicant shall demonstrate the appropriate experience and qualifications and/or access to resources required to undertake, implement, and supervise the work plan as well as maintain the property and improvements for the duration of the lease as determined by the office.

(iv) Financial capability. The work plan shall demonstrate adequate sources of funding to finance the schedule of improvements, and to maintain adequate insurance coverage throughout the duration of the lease. Additionally, the applicant shall be capable of paying all fees or other costs, including any permit fees, maintenance costs, and utility charges, which may arise under the lease.

(d) Criteria for establishing length of lease term and amount of rent.

Length of lease term and Rent. The length of the lease shall take into account the financial investment proposed by the resident curator, and the amount of time required to complete the rehabilitation of the property.

The term of any lease shall not exceed forty years. Rent, which may be nominal, and length of term shall reflect estimated post-renovation market value and capital investments by the resident curator, and shall consider geographic location, future maintenance obligations and other considerations.

(e) Criteria for use and restrictions of the leased property.

(1) The only allowable use for the property shall be as a single family residence.

(2) Restrictions on use of the property:

(i) All work on historic structures shall comply with the Secretary of the Interior's Standards for Rehabilitation;

(ii) No work shall be performed on the property or a specific building or structure without the resident curator having first obtained or caused to be obtained all relevant permits and approvals from the office and state and/or federal agencies, as required by law;

(iii) No work shall be performed on the property until the resident curator has provided evidence of satisfactory insurance coverage to the office;

(iv) No occupancy of any building shall occur until a certificate of occupancy or other relevant approval is obtained and the resident curator has provided evidence of satisfactory insurance coverage to the office;

(v) The assignment, sub-lease, including any sub-lease via any for "rent by owner," transfer, conveyance, or disposal of the resident curator's lease interest in the property in whole or in part is prohibited, except where specifically approved in writing by the Commissioner;

(vi) The property shall not be used as security for any debt.

(3) The resident curator shall document the rehabilitation work and improvements to the property and make this information available to the public in a manner approved by the office.

(4) The office shall determine whether there shall be public access to the leased premises, and if so, such determination shall be documented in the lease.

(5) Upon termination of any lease executed pursuant to this section, full use and enjoyment of the property reverts automatically to the State.

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen L. Martens, Associate Attorney, OPRHP, Albany, NY 12238(USPS mail), 625 Broadway, Albany, NY 12207 (courier delivery), (518) 486-2921, email: rule.making@parks.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.

Regulatory Impact Statement

1) Statutory Authority

Section 3.09(2-h) of the Parks, Recreation and Historic Preservation Law (PRHPL) authorizes OPRHP to establish the resident curator program in order to lease three specific buildings to private persons to be used as single family homes for terms of up to forty years. Also, Section 3.09(2-h) requires the Commissioner to adopt rules and regulations including: (i) criteria for selecting responsible resident curators; (ii) criteria for the length of the lease term; (iii) criteria for the amount of rent to be charged to resident curators which may be nominal factoring in the capital investment required to rehabilitate and maintain the leased premises; and (iv) criteria for determining appropriate residential uses and restrictions, including whether the public should be able to access the leased premises.

2) Legislative Objectives

The legislative objective is to rehabilitate vacant and unused buildings at no cost to the State through a resident curator program that would provide private sector funding to buildings that currently serve no park related purpose. PRHPL section 3.09(2-h) currently authorizes this program at three specific properties.

3) Needs and Benefits

OPRHP has an inventory of residential buildings within its park and historic sites that are not being used for park or historic site purposes and/or have deteriorated to the point that significant capital investment would be required for year-round use. The three buildings identified in section 3.09(2-h) of the PRHPL are part of this inventory of deteriorating buildings. These buildings are not integral to OPRHP's mission; therefore, providing capital funds to rehabilitate them is not an agency priority. In essence, the resident curator program is currently the only mechanism for placing these buildings back into productive use.

Similar to successful resident curator programs in other states, New York's resident curator program is intended to preserve these properties through a unique public-private partnership. The resident curator agrees to rehabilitate and maintain the property in return for a long-term residential lease from the State.

4) Costs

Costs to curators will vary depending on the size and rehabilitation needs of the property, as well as the various fixtures used in the property. Prevailing wages must be paid by the resident curator. Depending on the

structure, OPRHP estimates that a resident curator could spend between \$150,000-\$400,000 for the rehabilitation plus additional unquantifiable costs. Curators will be responsible for all utilities, fees, and maintenance costs during the lease term. The amount of upfront investment in the property will determine the amount of annual rent, which could be nominal. The resident curator program is voluntary. No person is required to participate as a resident curator; however, responsible individuals who enter into a lease pursuant to the program must comply with these regulations, and, as applicable, the terms of the lease.

OPRHP is required to conduct a publicly announced competitive process in order to solicit resident curators. OPRHP will incur minimal costs to produce and issue the Request For Proposal (RFP), select resident curators, and negotiate the terms of the lease. In addition, there will be some costs associated with OPRHP oversight of the program.

5) Local Government Mandates

The proposed amendment would not impose any program service, duty, or other responsibility upon any county, city, town, village, school district or other special district.

6) Paperwork

This rule would create additional paperwork for the production, issuing, and processing of the RFPs to select resident curators in an open and competitive process. OPRHP serves as the code enforcement office and would issue all building permits and certificates of occupancy. Unnecessary paperwork will be kept at a minimum where interested parties have access to email. There are no reporting requirements related to the program other than the curator's schedule of improvements and this document is submitted one time when the curator submits the original application. As curators progress through the rehabilitation process, OPRHP will request updates via email. Additionally, resident curators will be required to document the rehabilitation work in a manner determined by the office.

7) Duplication

No other state or federal regulations govern the leasing of state buildings under OPRHP's jurisdiction for this purpose and thus the rule does not duplicate, overlap, or conflict with any other state and federal requirements.

8) Alternatives

The Legislature established the resident curator program and directed OPRHP to establish certain regulatory criteria. PRHPL currently authorizes the resident curator program to be used to rehabilitate three identified properties. The criteria in the regulation should enable OPRHP to maximize public participation in the RFP process despite the expense required to rehabilitate these deteriorating properties and other properties which may be added to the program in the future. When considering criteria for public access, OPRHP considered and rejected requiring annual physical public access to the buildings in a similar fashion to an "open house," as required by state grants for historic rehabilitation. The rule as written allows OPRHP to consider public access if appropriate, but the rule does not require public access in all cases because the buildings currently included in this program and most likely to be included in the future are not of major historical significance to justify imposing such a burden on the potential resident curator.

9) Federal Standards

The rule does not exceed any minimum standards of the federal government for the same or similar subject areas.

10) Compliance Schedule

The rule would take effect on the day that the Notice of Adoption is published in the New York State Register.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not submitted with this notice because the rule will not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments. The proposed rule allows OPRHP under the resident curator program to lease buildings and associated property to private persons for residential purposes for terms of up to forty years. The resident curator program does not impose any additional burdens on local government, nor does the program adversely impact small businesses. Conversely, the resident curator program may benefit small businesses and local government by attracting outside investment.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this notice because the rule will not impose any adverse impact or reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed rule allows OPRHP through the resident curator program to lease buildings and associated property to private persons for residential purposes for terms of up to forty years. The specific properties currently eligible for participation in the program are located in Suffolk County.

Job Impact Statement

A Job Impact Statement is not submitted with this notice as the rule allows OPRHP to partner with a resident curator who agrees to rehabilitate and

maintain the property using private dollars, in return for a long-term lease of up to forty years. Through the program, OPRHP will lease buildings and associated property to private persons for residential purposes. Therefore, the rule will not have a substantial adverse impact on jobs and employment opportunities. In addition to attracting outside investment, however, the resident curator program should have a positive impact on jobs and employment opportunities as the resident curators hire local contractors to assist and manage in the construction and rehabilitation of the property.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition for Submetering of Electricity

I.D. No. PSC-06-15-00003-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 part, the petition filed by City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Extension, Brooklyn, 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: Petition for submetering of electricity.

Purpose: To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York.

Substance of proposed rule: The Public Service Commission is considering whether to grant, deny or modify, in whole or part, the petition filed by City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Extension, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc., and to take other actions necessary to address the 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.

(15-E-0005SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Whether to Make Revisions to Rider S — Commercial System Relief Program and Rider U — Distribution Load Relief Program

I.D. No. PSC-06-15-00004-P

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

Proposed Action: The Commission is considering whether to approve, modify or deny, in whole or in part, tariff revisions filed by Consolidated Edison Company of New York, Inc. concerning changes to its Demand Response Programs regarding pledge reductions.

Statutory authority: Public Service Law, section 66(1), (12)(a) and (b)

Subject: Whether to make revisions to Rider S — Commercial System Relief Program and Rider U — Distribution Load Relief Program.

Purpose: Whether to make revisions to Rider S — Commercial System Relief Program and Rider U — Distribution Load Relief Program.

Substance of proposed rule: The Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) to make revisions to its electric tariff schedule, P.S.C. No.10. The Company proposes to make tariff revisions to Rider S — Commercial System Relief Program and Rider U — Distribution Load Relief Program in compliance with Order Clause 3 of Commission Order On Proposed Tariff Amendments, issued January 9, 2015 in Case 13-E-0573 regarding pledge reductions. The Company was directed to file tariff amendments describing the specific methodology to be used to determine the amount of demand associated with each electric efficiency project along with the process requirements and the process that participants must follow to request a pledge reduction and be allowed to comment. The amendments have an effective date of May 1, 2015. The Commission may consider any 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.

(13-E-0573SP5)

**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.
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., Happaugue, 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.
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
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
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
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
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

Action Pending Index**NYS Register/February 11, 2015**

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
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
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

Action Pending Index**NYS Register/February 11, 2015**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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-31-14-00006-P	10/14/15	Petroleum Bulk Storage (PBS) and Used Oil Management	To harmonize existing State requirements with overlapping Federal requirements
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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

Action Pending Index

NYS Register/February 11, 2015

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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
HLT-37-14-00003-RP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
*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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-04-15-00015-P	01/28/16	Smoking	To clarify where smoking is prohibited at NFTA locations
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-06-15-00002-P	02/11/16	Resident Curator Program	To rehabilitate vacant and unused buildings at no cost to the State by leasing the buildings to private individuals
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
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

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

Action Pending Index

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00006-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*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

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

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

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

Action Pending Index

NYS Register/February 11, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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
PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
PSC-06-15-00004-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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
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

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

Abattis Bioceuticals Corp.
Suite 1040 - 885 W. Georgia St., Vancouver, British Columbia V6C
3E8
State or country in which incorporated — Canada

AeroGenics, LLC
12776 Oakview Heights Dr., Story City, IA 50248

AG Capital Recovery Partners Europe VIII, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Capital Recovery VIII, LLC

AG Direct Lending Fund, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund GP, LLC

AG DLI, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund GP, LLC

AG Opportunistic Whole Loan Select, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Owl Select GP LLC

ALJ Capital I, L.P.
6300 Wilshire Blvd., Suite 700, Los Angeles, CA 90048
Partnership — ALJ Capital Partners, LLC

ALJ Capital II, L.P.
6300 Wilshire Blvd., Suite 700, Los Angeles, CA 90048
Partnership — ALJ Capital Partners, LLC

Allen & Company LLC
711 Fifth Ave., New York, NY 10022

Alpine Creek, Inc.
500 N. Northeast Loop 323, Tyler, TX 75708
State or country in which incorporated — Texas

Balance Point Capital Partners II, L.P.
Eight Church Lane, Suite 200, Westport, CT 06880
Partnership — Balance Point Capital Managers II, LLC

Basswood Direct, Ltd.
c/o Elian Fiduciary Services (Cayman) Limited, 89 Nexus Way, Grand
Cayman, Cayman Islands KY1-9007
Partnership — Cayman Islands

Basswood Direct Master, Ltd.
c/o Elian Fiduciary Services (Cayman) Limited, 89 Nexus Way, Grand
Cayman, Cayman Islands KY1-9007
State or country in which incorporated — Cayman Islands

BBH Wealth Strategies, LLC - AltaRock Partners Series
140 Broadway, New York, NY 10005

Belmar HH Owner, LLC
1400 16th St., Suite 320, Denver, CO 80202

BHS GP, L.L.C.
4540 Center Blvd., Suite 2010, Long Island City, NY 11109

Burbank Harbor Capital Management, LLC
1415 W. Boston Post Rd., Suite 414, Mamaroneck, NY 10543

Calvert Investment Distributors, Inc.
4550 Montgomery Ave., Suite 1000N, Bethesda, MD 20814
State or country in which incorporated — Delaware

ChineseInvestors.com, Inc.
13791 E. Rice Place, Aurora, CO 80015
State or country in which incorporated — Indiana

Citrine Value Fund LLC
980 N. Michigan Ave., Suite 1235, Chicago, IL 60611

Clerio Vision, Inc.
312 Susquehanna Rd., Rochester, NY 14618
State or country in which incorporated — Delaware

deCervo, LLC
c/o Columbia Startup Lab, 69 Charlton St., New York, NY 10014
State or country in which incorporated — Delaware

Deep Field Opportunities Fund, L.P.
2049 Century Park E, Suite 2660, Los Angeles, CA 90067
Partnership — Deep Field Asset Management, LLC

DICO, Inc.
901 W. Main St., Auburn, WA 98001
State or country in which incorporated — Nevada

Diversified Real Estate Fund Limited Partnership
1660 W. Second St., Suite 450, Cleveland, OH 44113
Partnership — Key West Saxon Group, LLC, The

echolocation electronics, inc.
575 5th St., #2, New York, NY 11215
State or country in which incorporated — Delaware

Elmhurst Summit, LP
One Bigelow Sq., Suite 630, Pittsburgh, PA 15219
Partnership — Elmhurst Summit GP Corp.

Equity Estates Fund II, LLC
Five Concourse Pkwy. NE, Suite 2950, Atlanta, GA 30328

First Liberties Securities, Inc.
369 Lexington Ave., Suite 311, New York, NY 10017
State or country in which incorporated — New York

Funding Circle Diversified Income Fund, LP
747 Front St., Fl. 4, San Francisco, CA 94111
Partnership — FC Partners, LLC

Greywolf Strategic Fund SPC Ltd.
c/o Greywolf Capital Management LP, 4 Manhattanville Rd., Suite 201, Purchase, NY 10577
State or country in which incorporated — Cayman Islands

Hornet Corporation
315 W. Main St., Suite 203, Hendersonville, TN 37075
State or country in which incorporated — Tennessee

Hot Creek Investors, L.P.
600 University St., Suite 2003, Seattle, WA 98101
Partnership — Hot Creek Capital, L.L.C.

HudCo IX (Americas), L.P.
2711 N. Haskell Ave., Suite 1800, Dallas, TX 75204
Partnership — HudCo GenPar IX, LLC

HudCo IX (Global), L.P.
2711 N. Haskell Ave., Suite 1800, Dallas, TX 75204
Partnership — HudCo GenPar IX, LLC

Ivanhoe (DE) Inc.
11501 Mariposa St., Suite 312, San Francisco, CA 94107
State or country in which incorporated — Delaware

Kabouter International Opportunities Offshore Fund II, Ltd.
c/o Maples Corporate Services Limited, P.O. Box 309, Ugland House, Cayman Islands, KY1-1104
State or country in which incorporated — Cayman Islands

Kenmore TPII LLC
1816 11th Ave., Unit C, Seattle, WA 98122
State or country in which incorporated — Delaware

Lee Arnold
1121 E. Mullan Ave., Coeur D'Alene, ID 83814

Little Harbor MultiStrategy Composite Fund
30 Doaks Lane, Marblehead, MA 01945
State or country in which incorporated — Delaware

Madison Dearborn Capital Partners VII Executive-A, L.P.
Three First National Plaza, Suite 3800, Chicago, IL 60602
Partnership — Madison Dearborn Partners VII-A&C, L.P.

Madison Dearborn Capital Partners VII Executive-B, L.P.
Three First National Plaza, Suite 3800, Chicago, IL 60602
Partnership — Madison Dearborn Partners VII-B, L.P.

Magna Resources CC#1 - Lempa #1 Joint Venture
5422 Alpha Rd., Dallas, TX 75240
State or country in which incorporated — Texas

Mallku Americas Value Fund LP
25 Broad St., Suite 6K, New York, NY 10004
Partnership — Mallku Capital Management LLC

Muturo Group Partners, LP
808 Dean St., #3R, Brooklyn, NY 11238
Partnership — Muturo Group GP, LLC

NAC Global Technologies, Inc.
4720 Salisbury Rd., Jacksonville, FL 32256
State or country in which incorporated — Nevada

Noble Opportunity Fund II, LP
100 S. 7th St., Akron, PA 17501
Partnership — Noble Real Estate, LLC, general partner

Orchard Securities, LLC
11650 S. State St., Draper, UT 84020

Pacific Grove International Ltd.
c/o HedgeServ Limited, 75 St. Stephen's Green, Dublin 2, Ireland
State or country in which incorporated — Cayman Islands

PennantPark Credit Opportunities Fund II, LP
590 Madison Ave., 15th Fl., New York, NY 10022
Partnership — PennantPark Capital, LLC

PetroShare Corp.
7200 S. Alton Way, Suite B-220, Centennial, CO 80112
State or country in which incorporated — Colorado

PFM Healthcare Emerging Growth Fund, L.P.
Four Embarcadero Center, Suite 3500, San Francisco, CA 94111
Partnership — Partner Asset Management HCEG, LLC, general partner

PW Acquisition LP
141 W. Jackson Blvd., Suite 300, Chicago, IL 60604
Partnership — PW Partners Atlas Funds, LLC

Ridgewood Private Equity Partners Energy Opportunities Fund, LLC
14 Philips Pkwy., Montvale, NJ 07645
State or country in which incorporated — Delaware

SaaS Capital Partners II, LP
1540 Broadway, Suite 3610, New York, NY 10036
Partnership — SCP GP II, LLC

Spheryx, Inc.
330 E. 38th St., #48J, New York, NY 10016
State or country in which incorporated — New York

Spyglass-Carlyle, LLC
3800 One Kansas City Pl., 1200 Main St., Kansas City, MO 64105

Sydney Harbour Marine Investments, LLC
767 Bengall Amenia Rd., Amenia, NY 12501
State or country in which incorporated — Delaware

Syncurity Corporation
410 S. Maple Ave., #518, Falls Church, VA 22046
State or country in which incorporated — Delaware

Tamarack Select Fund, LP
5050 Avenida Encinas, Suite 360, Carlsbad, CA 92008
Partnership — Tamarack Capital Management, LLC

TWG Securities, Inc.
175 W. Jackson Blvd., 11th Fl., Chicago, IL 60604
State or country in which incorporated — Delaware

Utivity, Inc.
14959 Harrison St., Brighton, CO 80602
State or country in which incorporated — Delaware

Valor M33 L.P.

875 N. Michigan Ave., Suite 3214, Chicago, IL 60611

Partnership — Valor M33 Management, L.P.

WC Partners Executive IV, L.P.

6250 North River Rd., Suite 10-100, Rosemont, IL 60018

Partnership — Wynnchurch Partners IV, L.P.

Xycast, LLC

574 Gramercy Dr., Marietta, GA 30068

State or country in which incorporated — Georgia limited liability company

Zenefits Investor Fund I LLC

141B Hamshire St., San Francisco, CA 94103

State or country in which incorporated — Delaware

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health (DOH) proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services related to adult day care service programs serving registrants with HIV/AIDS, effective on or after July 1, 2015. The changes propose to:

- Expand the population that may be served by these programs that are approved as providers of specialized services for registrants with HIV/AIDS ("AIDS Adult Day Health Care Providers (ADHCPs)");
- Conform the standards applicable to AIDS ADHCPs operated by residential health care facilities with those operated by diagnostic and treatment centers;
- Conform AIDS ADHCPs non-specialized adult day health care programs, thereby similarly allowing for AIDS ADHCPs to more effectively contract with managed care plans; and
- Revise the reimbursement rates for AIDS ADHCPs to reflect the actual cost of care provided to the expanded population of registrants, as well as registrants with AIDS, and the cost of the overhead expenses of AIDS ADHCP operators.

There is no estimated annual net aggregate increase or decrease in gross Medicaid expenditures attributable to this initiative contained in the budget for State Fiscal Years 2015/2016.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Bureau of Federal Relations & Provider Assessments, 99 Washington Ave. - One Commerce Plaza, Suite 1430, Albany, NY 12210, (518) 474-1673, (518) 473-8825 (FAX) or e-mail: spa_inquiries@health.state.ny.us

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for acute inpatient hospital and long term care services to comply with statutory provisions. The following changes are proposed:

Institutional Services

Effective for the State Fiscal Year April 1, 2015 through March 31, 2016, the Department of Health will have the flexibility to make Indigent Care Pool payments prior to April 1 of the State Plan Rate Year (SPRY). Such payments will begin no sooner than January 1 of the 2015 SPRY.

Long Term Care Services

Effective with the 2013 rate year, the Department of Health provided a new incentive to improve quality for non-specialty nursing homes by linking incentive payments to quality. Under the program, nursing homes are scored and compared on a defined set of quality measures. This amendment will maintain the quality incentive program into the 2014 rate year and will recognize improvement in performance as a new element in the program and provide for other minor modifications.

The public is invited to review and comment on this proposed State Plan Amendment. Copies of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Bureau of Federal Relations & Provider Assessments, 99 Washington Ave. – One Commerce Plaza, Suite 1460, Albany, NY 12210, spa_inquiries@health.state.ny.us

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollsen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2014-0484 Matter of Catherine Macri/K'Bella Salon and Spa, 161 Main Street, Canandaigua, New York, 14424 for a variance concerning requirements of 19NYCRR Part 1223 Mechanical Code of NY section 504 relating to the requirements for clothes dryer exhaust system in Group B Building located at 161 Main Street, Canandaigua, Ontario County, New York.

2014-0564 Matter of JG Turner, Tompkins Cortland Community College, 170 North Street, PO Box 139, Dryden, NY 13053 for a variance concerning alterations of the an existing parking garage lower level to an instructional space, Occupancy: Business B and Assembly A-2; Construction Type IA, approximately 6,000 square feet in gross floor area located at 102 East Clinton Street, City of Ithaca, in accordance with the New York State Uniform Fire Prevention and Building Code.

Involved is the request of a Variance for the minimum ceiling height in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (2134 mm). The subject building is located at 102 East Clinton Street, City of Ithaca, Town of Ithaca, and Tompkins County, State of New York.

2014-0700 Matter of Douglas Nadeau, Pe, 1062 Central Avenue, Albany, NY 12205, for a variance concerning safety requirements, including required standpipes in a building located at 1879 Davis Street, City of Elmira, County of Chemung, State of New York.

2015-0008 Matter of Al Sigal Community of Agencies, Thomas O'connor, 1000 Elmwood Ave, Suite 300, Rochester, NY 14620, for a

variance concerning safety requirements, including a required means of egress in a building located at 1900 South Avenue, City of Rochester, County of Monroe, State of New York.

2015-0010 Matter of Mark & Amy Nupp, 168 North Street, Buffalo, NY 14202 for a variance concerning requirements for fire command center, exit travel distances and remoteness of exits.

Involved is an existing seven story building, of fire resistive construction proposed for a change of occupancy from warehouse to permanent multiple dwellings, located 510 Washington street, City of Buffalo, County of Erie, State of New York.

2015-0016 Matter of Charles Breuer for Creekwalk Housing, LLC, PO Box 515, Syracuse, NY 13205 for a variance concerning fire safety and building code requirements including to be allowed to provide openings in an exterior wall within three to five feet of a property line.

Involved is the alteration to an existing building known as "Creekwalk Commons", located at 324 West Water Street, City of Syracuse, Onondaga County, New York.

2015-0018 Matter of Donna Aumiller, Four Riverside Drive #317, Utica, NY 13502 for a variance related to wood on walls of exit stairway, the fire rating of a cellar ceiling and cellar stairway in accordance with the New York State Multiple Residence Law.

Involved is a three story building located at 609 Mohawk Street, City of Utica, Oneida County, State of New York.

2015-0025 Matter of Hemlock Lake Union Agricultural Society, Anthony West, PO Box 263, Hemlock, NY 14466, for a variance concerning requirements of 19NYCRR Part 1221 Building Code of NY section(s) 503, 903.2.1.3, 903.2.8 relating to the requirements for building area and sprinkler requirements in mixed occupancy Group A/S-1 Building located at 7370 Fair Street, Hemlock, Livingston County, New York.

2015-0027 Matter of Heritage Christian Services, Daniel J Stewart, 349 West Commercial Street, Suite 2795, East Rochester, NY 14445, for a variance concerning safety requirements, including means of emergency egress in a building located 3897 Chili Avenue, Town of Chili, County of Monroe, State of New York.

EXECUTIVE ORDERS

Executive Order No. 141: Declaring a Disaster and a Temporary Suspension and Modification of Health Statutes and Regulations in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and Contiguous Counties.

WHEREAS, on January 26, 2015 and continuing thereafter, a strong winter storm began to impact New York State and poses an imminent danger to vital public transportation, utility service, and public health and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and contiguous areas; and

WHEREAS, this winter storm is predicted to produce blizzard-like conditions, snowfall amounts of in excess of two feet, wind gusts up to 65 miles per hour, and dangerously cold wind chills. These conditions may cause widespread power outages and roadway closures, damage to homes, apartments, and businesses, public and private property, and may result in moderate to severe coastal erosion, and will continue to pose a threat to the public health and safety;

WHEREAS, it is incumbent upon the State to ensure that the provision of health care services to New Yorkers continues with minimal disruption; and

WHEREAS, full compliance with certain statutory and regulatory requirements may delay or impede the ability of providers to furnish such services;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby declare a State Disaster Emergency effective January 26, 2015 within the territorial boundaries of the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Ulster, Westchester, and contiguous counties. This Executive Order shall be in effect through February 2, 2015; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective January 26, 2015, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the State Department of Corrections and Community Supervision, the Public Service Commission, the Office of Fire Prevention and Control, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the State University of New York, the Thruway Authority, the Division of Homeland Security and Emergency Services, other State agencies as necessary, and the American Red Cross to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. § 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary in order to ensure

that snow removal crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State.

IN ADDITION, I have designated John P. Melville, Acting Commissioner of the Division of Homeland Security and Emergency Services, as the State Coordinating Officer for this event.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend, for the period from the date of this Executive Order through February 2, 2015, the following laws:

Subdivision (2) of section 3320 of the Public Health Law, and any associated regulations, to the extent necessary to allow licensed facilities, including but not limited to hospitals, nursing homes, and institutional dispensers, to temporarily accept, store and administer those controlled substances lawfully prescribed to patients and residents affected by the disaster emergency, while maintaining appropriate patient specific record-keeping and diversion prevention practices, and subject to any terms and conditions that the Commissioner of Health may deem appropriate;

Subdivision (1) of section 3333 and subdivision (2) of section 3338 of the Public Health Law, and any associated regulations, to the extent necessary to allow a licensed pharmacist to dispense a controlled substance to a patient whose access to prescriptions or previously dispensed controlled substances has been directly affected by the disaster emergency, if the pharmacist, through the use of a shared database can verify the authenticity of the prescription and the prescription indicates authorized refills;

Subdivision (3) of section 3332, subdivision (1) of section 3333 and subdivision (3) of section 3339 of the Public Health Law, and any associated regulations, to the extent necessary to allow a licensed practitioner to prescribe and a licensed pharmacist to dispense a controlled substance more than seven days prior to the date the previously dispensed supply would have been exhausted if the patient's supply has been destroyed, made unusable or made inaccessible due to the disaster emergency;

Paragraph (a) of subdivision (2) of section 6810 of the Education Law, and any associated regulations, to the extent necessary to allow a licensed pharmacist to dispense a non-controlled prescription drug to a patient whose access to previously dispensed non-controlled prescription drug has been directly affected by the disaster emergency, if the pharmacist, through the use of a shared database can verify the authenticity of the prescription and the prescription indicates authorized refills.

Section 400.9 and paragraph (7) of subdivision (f) of section 405.9 of Title 10 of the New York Codes, Rules and Regulations ("NYCRR"), to the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law ("Article 28 facilities") and affected by the disaster emergency to rapidly discharge, transfer or receive patients, as authorized by the Commissioner of Health, provided that such facilities take all reasonable measures to protect the health and safety of patients and residents, including safe transfer and discharge practices, and comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. § 1395dd) and any associated regulations;

Section 400.11 of Title 10 of the NYCRR, to the extent necessary to permit Article 28 facilities receiving patients evacuated from other Article 28 facilities due to the disaster emergency to complete patient review instruments as soon as practicable;

Section 400.12 of Title 10 of the NYCRR, to the extent necessary to allow patients affected by the disaster emergency to be transferred to receiving Article 28 facilities as authorized by the Commissioner of Health;

Subdivision (e) of section 405.2 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals affected by the disaster emergency to maintain adequate staffing;

Subdivision (b) of section 405.3 of Title 10 of the NYCRR, to the extent necessary to allow general hospitals affected by the disaster emergency to use qualified volunteers or personnel affiliated with different hospitals, subject to terms and conditions established by the Commissioner of Health;

Paragraph (6) of subdivision (b) of section 405.4 of Title 10 of the NYCRR, to the extent necessary to allow general hospitals affected by the disaster emergency to assess the fitness of medical postgraduate trainees and attending physicians to continue working without a specific hourly limit;

Paragraph (1) of subdivision (e) of section 405.4 and subdivision (b) of section 707.3 of Title 10 of the NYCRR, to the extent necessary to permit physicians to supervise up to ten physician assistants and registered specialist assistants in general hospitals affected by the disaster emergency;

Paragraph (12) of subdivision (b) of section 405.9 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals receiving patients transferred from Article 28 facilities evacuated as a result of the disaster emergency to arrange for the performance of histories and physical examinations of the evacuated patients as soon as practicable following admission;

Subdivision (d) of section 405.19 of Title 10 of NYCRR, to the extent necessary to allow general hospitals affected by the disaster emergency to staff their emergency departments as needed;

Subdivision (a) of section 405.28 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals receiving individuals affected by the disaster emergency to provide social services screenings as soon as practicable following admission or to forego such screenings for individuals returned to facilities from which they were evacuated;

Section 415.11 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to perform comprehensive assessments of those residents temporarily evacuated to such nursing homes as soon as practicable following admission or to forego such assessments for individuals returned to facilities from which they were evacuated;

Subdivision (b) of section 415.15 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to obtain physician approvals for admission as soon as practicable following admission or to forego such approval for individuals returned to facilities from which they were evacuated;

Subdivision (i) of section 415.26 of Title 10 of the NYCRR, to the extent necessary to permit nursing homes receiving individuals affected by the disaster emergency to comply with admission procedures as soon as practicable following admission or to forego such procedures for individuals returned to facilities from which they were evacuated;

Paragraph (7) of subdivision (h) of section 763.4 and paragraph (1) of subdivision (d) of section 766.5 of Title 10 of the NYCRR, to the extent necessary to permit certified home health agencies, long term home health care programs, AIDS home care programs, and licensed home care services agencies serving individuals affected by the disaster emergency to conduct in-home supervision of home health aides and personal care aides as soon as practicable after the initial service visit;

Subdivision (a) of section 763.5 of Title 10 of the NYCRR, to the

extent necessary to permit initial patient visits for certified home health agencies, long term home health care programs and AIDS home care programs serving individuals affected by the disaster emergency to be made within 48 hours of receipt and acceptance of a community referral or return home from institutional placement;

Subparagraph (ix) of paragraph (5) of subdivision (b) of section 505.14 and subdivision (f) of section 505.28 of Title 18 of the NYCRR, to the extent necessary to permit an additional 15 days for reauthorizations of personal care and consumer directed personal assistance program services for individuals affected by the disaster emergency, where the authorized period of services otherwise would terminate during the period of the disaster emergency declared pursuant to this Executive Order;

Subparagraph (ii) of paragraph (2) of subdivision (e) of section 505.14 of Title 18 of the NYCRR, to the extent necessary to permit training for personal care workers serving individuals affected by the disaster emergency to be held as soon as practicable after the conclusion of such period, where such training otherwise would be required during the period of the disaster emergency declared pursuant to this Executive Order, provided that such workers have sufficient competence to provide such services; and

Paragraph (3) of subdivision (f) of section 505.14 of Title 18 of the NYCRR, to the extent necessary to permit nursing supervision visits for personal care services provided to individuals affected by the disaster emergency to be made as soon as practicable.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-sixth day of January in the year two thousand fifteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor