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Issue 2

DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE REGISTER

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- Paid Family Leave Risk Adjustment Fund
- Delinquent (C.O.D.) List Procedures

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:
– the 60-day period expires on March 10, 2019
– the 45-day period expires on February 23, 2019
– the 30-day period expires on February 8, 2019

ANDREW M. CUOMO
GOVERNOR

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE
REGISTER

Be a part of the rule making process!

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

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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

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

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RULE MAKING ACTIVITIES

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

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

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00006-A
Filing No. 1192
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00006-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00007-A
Filing No. 1196
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00008-A
Filing No. 1193
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00008-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00009-A
Filing No. 1200
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 1 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To delete positions from and classify positions in the exempt class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00009-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00010-A
Filing No. 1189
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 2 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify a position in the non-competitive class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00010-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00012-A
Filing No. 1191
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 2 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To delete a position from and classify a position in the non-competitive class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00012-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00013-A
Filing No. 1190
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 1 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify positions in the exempt class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00013-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00014-A
Filing No. 1198
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 1 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify a position in the exempt class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00014-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00015-A
Filing No. 1195
Filing Date: 2018-12-21
Effective Date: 2019-01-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:
Action taken: Amendment of Appendix 1 of Title 4 NYCRR.
Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify a position in the exempt class.
Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00015-P.
Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00016-A
Filing No. 1194
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00016-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00017-A
Filing No. 1199
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00017-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00018-A
Filing No. 1202
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00018-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00019-A
Filing No. 1201
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete from and classify positions in the exempt and non-competitive classes

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00019-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-41-18-00020-A
Filing No. 1197
Filing Date: 2018-12-21
Effective Date: 2019-01-09

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

Action taken: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete from and classify positions in the exempt and non-competitive classes.

Text or summary was published in the October 10, 2018 issue of the Register, I.D. No. CVS-41-18-00020-P.

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

Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Assessment of Public Comment
The agency received no public comment.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-19-00001-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by decreasing the number of positions of øMental Health Program Manager 2 from 2 to 1 and by increasing the number of positions of øMental Health Program Manager 1 from 12 to 13.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Consolidated Regulatory Impact Statement

1. Statutory Authority: The New York State Civil Service Commission is authorized to promulgate rules for the jurisdictional classification of offices within the classified service of the State by Section 6 of the Civil Service Law. In so doing, it is guided by the requirements of Sections 41, 42 and 43 of this same law.

2. Legislative Objectives: These rule changes are in accord with the statutory authority delegated to the Civil Service Commission to prescribe rules for the jurisdictional classification of the offices and positions in the classified service of the State.

3. Needs and Benefits: Article V, Section 6, of the New York State Constitution requires that, wherever practicable, appointments and promotions in the civil service of the State, including all its civil divisions, are to be made according to merit and fitness. It also requires that competitive examinations be used, as far as practicable, as a basis for establishing this eligibility. This requirement is intended to provide protection for those individuals appointed or seeking appointment to civil service positions while, at the same time, protecting the public by securing for it the services of employees with greater merit and ability. However, as the language suggests, the framers of the Constitution realized it would not always be possible, nor indeed feasible, to fill every position through the competitive process. This point was also recognized by the Legislature for, when it enacted the Civil Service Law to implement this constitutional mandate, it provided basic guidelines for determining which positions were to be outside of the competitive class. These guidelines are contained in Section 41, which provides for the exempt class; 42, the non-competitive class and 43, the labor class. Thus, there are four jurisdictional classes within the classified service of the civil service and any movement between them is termed a jurisdictional reclassification.

The Legislature further established a Civil Service Department to administer this Law and a Civil Service Commission to serve primarily as an appellant body. The Commission has also been given rulemaking responsibility in such areas as the jurisdictional classification of offices within the classified service of the State (Civil Service Law Section 6). In exercising this rule-making responsibility, the Commission has chosen to provide appendices to its rules, known as Rules for the Classified Service, to list those positions in the classified service which are in the exempt class (Appendix 1), non-competitive class (Appendix 2), and labor class (Appendix 3).

In effect, all positions, upon creation at least, are, by constitutional mandate, a part of the competitive class and remain so until removed by the Civil Service Commission, through an amendment of its rules upon showing of impracticability in accordance with the guidelines provided by the Legislature. The guidelines are as follows. The exempt class is to include those positions specifically placed there by the Legislature, together with all other subordinate positions for which there is no requirement that the person appointed pass a civil service examination. Instead, appointments rest in the discretion of the person who, by law, has determined the position's qualifications and whether the persons to be appointed possess those qualifications. The non-competitive class is to be comprised of those positions which are not in the exempt or labor classes and for which the Civil Service Commission has found it impracticable to determine an applicant's merit and fitness through a competitive examination. The qualifications of those candidates selected are to be determined by an examination which is sufficient to insure selection of proper and competent employees. The labor class is to be made up of all unskilled laborers in the service of the State and its civil divisions, except those which can be examined for competitively.

4. Costs: The removal of a position from one jurisdictional class and placement in another is descriptive of the proper placement of the position in question in the classified service, and has no appreciable economic impact for the State or local governments.

5. Local Government Mandates: These amendments have no impact on local governments. They pertain only to the jurisdictional classification of positions in the State service.

6. Paperwork: There are no new reporting requirements imposed on applicants by these rules.

7. Duplication: These rules are not duplicative of State or Federal requirements.

8. Alternatives: Within the statutory constraints of the New York State Civil Service Commission, it is not believed there is a viable alternative to the jurisdictional classification chosen.

9. Federal Standards: There are no parallel Federal standards and, therefore, this is not applicable.

10. Compliance Schedule: No action is required by the subject State agencies and, therefore, no estimated time period is required.

Regulatory Flexibility Analysis

The proposal does not affect or impact upon small businesses or local governments, as defined by Section 102(8) of the State Administrative Procedure Act, and, therefore, a regulatory flexibility analysis for small businesses is not required by Section 202-b of such act. In light of the fact that this proposal only affects jurisdictional classifications of State employees, it will not have any adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

The proposal does not affect or impact upon rural areas as defined by Section 102(13) of the State Administrative Procedure Act and Section 481(7) of the Executive Law, and, therefore, a rural area flexibility analysis is not required by Section 202-bb of such act. In light of the fact that this proposal only affects jurisdictional classifications of State employees, it will not have any adverse impact on rural areas.

Job Impact Statement

The proposal has no impact on jobs and employment opportunities. This proposal only affects the jurisdictional classification of positions in the Classified Civil Service.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-19-00002-P

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

Proposed Action: Amendment of Appendix 3 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the labor class.

Text of proposed rule: Amend Appendix 3 of the Rules for the Classified Service, listing positions in the labor class, under the heading All State Departments and Agencies, by deleting therefrom the positions of Laborer, Maintenance Helper, Plant Utilities Helper and SUNY Campus Worker and by adding thereto the positions of Facility Operations Assistant 1 (Utilities).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-19-00003-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Information Technology Services," by deleting therefrom the positions of Deputy Commissioner (2) and Division Director Health Systems Management and by increasing the number of positions of Special Assistant from 30 to 33.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-19-00004-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department under the subheading "New York State Higher Education Services Corporation," by deleting therefrom the position of Executive Assistant and by decreasing the number of positions of Vice President HESC from 5 to 3; and, in the Department of Family Assistance under the subheading "Office of Children and Family Services," by increasing the number of positions of Executive Assistant from 1 to 2 and Special Assistant from 14 to 16.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-19-00005-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of øPark Director 3 from 1 to 2 and by adding thereto the position of øPark Director 1 (Environmental) (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement
A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Regulatory Flexibility Analysis
A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Rural Area Flexibility Analysis
A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Job Impact Statement
A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-12-18-00012-P, Issue of March 21, 2018.

Division of Criminal Justice Services

ERRATUM

A Notice of Adoption, I.D. No. CJS-32-18-00004-A pertaining to Appendix H-10 Standard Specifications for Professional Probation Positions, which was filed on November 29, 2018 and published in the December 19, 2018 issue of the *State Register* contained an incorrect effective date. The correct effective date is 180 days after filing.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING HEARING(S) SCHEDULED

Low Emission Vehicle Greenhouse Gas Standards

I.D. No. ENV-02-19-00007-EP
Filing No. 1203
Filing Date: 2018-12-21
Effective Date: 2018-12-21

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

Proposed Action: Amendment of Parts 200 and 218 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; and Federal Clean Air Act (42 USC 7507), section 177

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

Specific reasons underlying the finding of necessity: It is necessary for the preservation of the health and general welfare of the citizens of New York that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

New York first adopted the California new motor vehicle standards in 1990 pursuant to provisions of section 177 of the federal Clean Air Act (42 USC 7507) and has maintained the program, including adoption of greenhouse gas (GHG) emissions standards and revision to the zero emissions vehicle portion since then. New York adopted this program in order to provide significant emissions reductions as compared to its federal emissions counterpart, including GHG emissions, and included it in its State Implementation Plan. These reductions are essential to providing clean air to the citizens of New York as further explained in the Regulatory Impact Statement. Failure to maintain the most stringent vehicle emissions standards possible will be detrimental to the health and general welfare of New Yorkers. In order to maintain the cleanest motor vehicle standards available to New York, we must adopt these standards now. This amendment is adopted as an emergency measure because time is of the essence.

Subject: Low emission vehicle greenhouse gas standards.

Purpose: Clarification of the deemed to comply provision.

Public hearing(s) will be held at: 1:00 p.m., March 11, 2019 at Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129 A/B, Albany, NY.

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

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

Text of emergency/proposed rule: (Sections 200.1 through 200.8 remain unchanged)

Section 200.9, Table 1 is amended to read as follows:

218-1.2(d)	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
218-1.2(e)	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
218-1.2(f)	Clean Air Act 42 U.S.C. Section 7543 (1988) as amended by Pub. L. 101-549 (1990)	**
	Clean Air Act 42 U.S.C. Section 7507 (1988) as amended by Pub. L. 101-549 (1990)	**
218-1.2(g)	California Health and Safety Code, Section 39003 (1975)	** †
218-1.2(j)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(l)	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
218-1.2(m)	California Vehicle Code, Section 165 (2013)	** †
218-1.2(n)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(q)	California Code of Regulations, Title 13, Section 1962.1 (1-1-16)	** ***
218-1.2(w)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(y)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(z)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(ab)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(ac)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(ad)	California Code of Regulations, Title 13, Section 1905 (7-3-96)	** ***
218-1.2(af)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(aj)	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
218-1.2(ak)	California Code of Regulations, Title 13, Section 1960.5 (10-16-02)	** ***
218-1.2(ap)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(aq)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(at)	40 CFR Section 86.1827-01 (2-26-07)	*
218-1.2(az)	California Code of Regulations, Title 13, Section 2112 (12-5-14)	** ***
218-1.2(bc)	California Code of Regulations, Title 13, Section 1962 (2-3-10)	** ***

218-1.2(bd)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-1.2(be)	California Code of Regulations, Title 13, Section 2035 (11-9-07)	** ***
218-1.2(bf)	California Code of Regulations, Title 13, Section 2035 (11-9-07)	** ***
218-1.2(bg)	California Code of Regulations, Title 13, Section 2035 (11-9-07)	** ***
218-1.2(bh)	California Code of Regulations, Title 13, Section 2035 (11-9-07)	** ***
218-1.2(bi)	California Code of Regulations, Title 13, Section 1900 (10-8-15)	** ***
218-2.1(a)	California Code of Regulations, Title 13, Section 1956.8 (10-7-06)	** ***
	California Code of Regulations, Title 13, Section 1956.9 (3-6-96)	** ***
	California Code of Regulations, Title 13, Section 1960.1 (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1960.1.5 (9-30-91)	** ***
	California Code of Regulations, Title 13, Section 1960.5 (10-16-02)	** ***
	California Code of Regulations, Title 13, Section 1961 (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961.2 [(10-8-15)] *(12-12-18)*	** ***
	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
	California Code of Regulations, Title 13, Section 1962.1 (1-1-16)	** ***
	California Code of Regulations, Title 13, Section 1964 (2-23-90)	** ***
	California Code of Regulations, Title 13, Section 1965 (10-8-15)	** ***
	California Code of Regulations, Title 13, Section 1968.1 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 1968.2 (7-31-13)	** ***
	California Code of Regulations, Title 13, Section 1976 (10-8-15)	** ***
	California Code of Regulations, Title 13, Section 1978 (10-8-15)	** ***
	California Code of Regulations, Title 13, Section 2047 (5-31-88)	** ***
	California Code of Regul ations, Title 13, Section 2065 (12-4-03)	** ***
	California Code of Regulations, Title 13, Section 2235 (8-8-12)	** ***
	Clean Air Act 42 U.S.C. Section 7521 (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.1(b)(5)	Clean Air Act 42 U.S.C. Section 7401 et seq. (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.1(b)(8)	California Health and Safety Code, Section 43656 (1975)	***
218-2.1(d)	Clean Air Act 42 U.S.C. Section 7507 (1988) as amended by Pub. L. 101-549 (1990)	**
218-2.4	California Health and Safety Code, Section 43014 (1976)	** †
218-3.1	California Code of Regulations, Title 13, Section 1960.1(g)(2) (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961(b)(1) (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961.2 [(10-8-15)] *(12-12-18)*	** ***
218-3.1(a)	California Code of Regulations, Title 13, Section 1960.1(g)(1) (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961.2 [(10-8-15)] *(12-12-18)*	** ***
218-3.1(b)	California Code of Regulations, Title 13, Section 1960.1(g)(2) (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961(b) (12-31-12)	** ***
	California Code of Regulations, Title 13, Section 1961.2 [(10-8-15)] *(12-12-18)*	** ***
218-4.1	California Code of Regulations, Title 13, Section 1962 (2-13-10)	** ***
	California Code of Regulations, Title 13, Section 1962.1 (1-1-16)	** ***
	California Code of Regulations, Title 13, Section 1962.2 (1-1-16)	** ***
218-5.1(a)	California Code of Regulations, Title 13, Section 2061 (10-23-96)	** ***
	California Code of Regulations, Title 13, Section 2062 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 2065 (12-4-03)	** ***
218-5.2(a)	California Code of Regulations, Title 13, Section 2065 (12-4-03)	** ***
	California Code of Regulations, Title 13, Section 2109 (12-30-83)	** ***
	California Code of Regulations, Title 13, Section 2110 (11-27-99)	** ***
218-5.2(b)(1)	California Code of Regulations, Title 13, Section 2106 (11-27-99)	** ***
218-5.3(b)	California Code of Regulations, Title 13, Section 2101 (11-27-99)	** ***
218-6.2	Clean Air Act 42 U.S.C. Section 7401 et seq. (1988) as amended by Pub. L. 101-549 (1990)	**
218-7.2(c)(1)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-7.2(c)(2)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-7.2(c)(8)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-7.3(a)(1)	California Code of Regulations, Title 13, Section 2221 (12-30-83)	** ***
	California Code of Regulations, Title 13, Section 2224 (8-16-90)	** ***
218-7.3(a)(2)	California Code of Regulations, Title 13, Section 2224(a) (8-16-90)	** ***
218-7.4(b)(3)(i)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-7.4(b)(3)(ii)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-7.5(b)	California Code of Regulations, Title 13, Section 2222 (4-17-17)	** ***
218-8.1(a)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
218-8.1(b)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
218-8.2	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-8.3(a)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***

	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-8.3(b)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-8.3(c)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-8.3(d)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-8.4(a)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
218-8.4(b)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
218-8.5(c)	California Code of Regulations, Title 13, Section 1961.1 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 1961.3 [(12-31-12)] *(12-12-18)*	** ***
218-9.1	California Code of Regulations, Title 13, Section 2035 (11-9-07)	** ***
	California Code of Regulations, Title 13, Section 2037 (12-5-14)	** ***
	California Code of Regulations, Title 13, Section 2038 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 2039 (12-26-90)	** ***
	California Code of Regulations, Title 13, Section 2040 (12-26-90)	** ***
	California Code of Regulations, Title 13, Section 2041 (12-26-90)	** ***
	California Code of Regulations, Title 13, Section 2046 (2-16-79)	** ***
218-9.2	California Code of Regulations, Title 13, Section 2141 (12-8-10)	** ***
	California Code of Regulations, Title 13, Section 2142 (2-23-90)	** ***
	California Code of Regulations, Title 13, Section 2143 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2144 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2145 (8-7-12)	** ***
	California Code of Regulations, Title 13, Section 2146 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2147 (12-5-14)	** ***
	California Code of Regulations, Title 13, Section 2148 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2149 (2-23-90)	** ***
218-10.1	California Code of Regulations, Title 13, Section 2109 (12-30-83)	** ***
	California Code of Regulations, Title 13, Section 2110 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2111 (12-8-10)	** ***
	California Code of Regulations, Title 13, Section 2112 (12-5-14)	** ***
	California Code of Regulations, Title 13, Section 2113 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2114 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2115 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2116 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2117 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2118 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2119 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2120 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2121 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2122 (12-8-10)	** ***
	California Code of Regulations, Title 13, Section 2123 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2124 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2125 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2126 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2127 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2128 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2129 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2130 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2131 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2132 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2133 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2134 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2135 (1-26-95)	** ***
	California Code of Regulations, Title 13, Section 2136 (12-8-10)	** ***
	California Code of Regulations, Title 13, Section 2137 (12-28-00)	** ***
	California Code of Regulations, Title 13, Section 2138 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2139 (12-5-14)	** ***
	California Code of Regulations, Title 13, Section 2140 (12-5-14)	** ***
218-10.2	California Code of Regulations, Title 13, Section 2141 (12-8-10)	** ***
	California Code of Regulations, Title 13, Section 2142 (2-23-90)	** ***
	California Code of Regulations, Title 13, Section 2143 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2144 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2145 (8-7-12)	** ***

	California Code of Regulations, Title 13, Section 2146 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2147 (12-5-14)	** ***
	California Code of Regulations, Title 13, Section 2148 (11-27-99)	** ***
	California Code of Regulations, Title 13, Section 2149 (2-3-90)	** ***
218-11.1	California Code of Regulations, Title 13, Section 1965 (10-8-15)	** ***
218-11.2	California Code of Regulations, Title 13, Section 1965 (10-8-15)	** ***

Part 218 remains unchanged.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 20, 2019.

Text of rule and any required statements and analyses may be obtained from: Jeff Marshall, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233, (518) 402-8292, email: air.regs@dec.ny.gov

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

Public comment will be received until: March 18, 2019.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration, and a Coastal Assessment Form have been prepared and are on file.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website:http://www.dec.ny.gov/regulations/propregulations.html#public):

1. Statutory authority

The statutory authority for this amendment is the Environmental Conservation Law (ECL) Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 and Section 177 of the federal Clean Air Act (42 USC 7507).

2. Legislative objectives

Articles 1 and 3 of the ECL set out the overall state policy goal of reducing air pollution and providing clean, healthy air for the citizens of New York. In addition to the general powers and duties of the Department and Commissioner to prevent and control air pollution found in Articles 1 and 3 of the ECL, Article 19 of the ECL was specifically adopted for the purpose of safeguarding the air resources of New York from pollution. The Department is "expressly authorized to promulgate extensive regulations limiting exhaust emissions from motor vehicles including adoption of California certification standards." (See MVMA v. Jorling, 152 Misc.2d 405 (N.Y. Sup. September 3, 1991.) This authority also specifically includes promulgating rules and regulations for preventing, controlling or prohibiting air pollution in such areas of the State as shall or may be affected by air pollution, and provisions establishing areas of the State and prescribing for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority also includes the preparation of a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State.

The Department is proposing to revise existing greenhouse gas (GHG) standards which were originally adopted November 8, 2005 and revised periodically. This proposed revision will clarify that the deemed-to-comply (DTC) provision for model years 2021-2025 only applies to those federal standards which were last amended as part of the October 16, 2015 rulemaking. This regulation package will further the goals of reducing air pollution from motor vehicles by requiring cleaner California certified vehicles and engines be sold in New York. This is not a mandate on local governments pursuant to Executive Order 17.

3. Needs and benefits

New York has made considerable progress in improving its air quality; however, several areas of the State still do not meet federal health based national ambient air quality standards (NAAQS) for ozone and have been categorized as non-attainment areas[1]. The Department is also tasked with mitigating the effects of global warming. The Department has the obligation to regulate and mitigate criteria pollutant and greenhouse gas (GHG) emissions from mobile sources to safeguard the health of State residents and protect the State's environment.

On-road mobile sources in New York emit a substantial portion of ozone precursors. In 2014, on-road light-duty vehicles emitted approximately 65,600 tons of volatile organic compounds (VOC) and 72,600 tons of nitrogen oxides (NOx) annually[2]. In 2014, the transportation sector accounted for approximately 34 percent of all GHG emissions in New York State[3]. It is essential that the Department continue to adopt stringent mobile source emissions standards to protect human health and the environment.

Increased concentrations of ground-level ozone that is directly related to increased GHG emissions, can promote respiratory illness in children and the elderly, and exacerbate pre-existing respiratory illnesses. Ground-level ozone can also impair lung function in otherwise healthy people. This can result in significant hospitalization costs and mortality rates, both of which are higher in New York State than the national average. In 2011, the total cost of asthma related hospitalization in New York State was approximately $660 million[4]. Approximately 258 State residents per year died from asthma during the 2009 to 2011 timeframe[5].

Global warming may have adverse impacts on human health and the environment. These impacts include increased heat illnesses and mortality, respiratory illnesses from increased formation of ground-level ozone and the introduction or spread of vector-borne illnesses. Global warming may adversely impact New York State's shoreline, drinking water sources, agriculture, forests and wildlife diversity.

New York first adopted the California low emission vehicle program in Part 218 in 1990, and has updated Part 218 frequently to maintain identical standards for a given weight class as required under Section 177 of the Act. The Department initially adopted California GHG standards November 8, 2005. The GHG standards were revised June 6, 2010 to allow vehicle manufacturers the voluntary enforcement option to demonstrate compliance based on pooled vehicle sales rather than state-by-state vehicle sales.

DEC adopted the next GHG revision on November 2, 2010; it incorporated a DTC provision for model years 2012-2016. The DTC provision gives vehicle manufacturers the voluntary enforcement option of demonstrating compliance using less stringent federal GHG standards in lieu of existing California standards. DEC adopted updated California GHG standards for model years 2017-2025 on November 9, 2012 as part of the Advanced Clean Cars (ACC) standards. DEC adopted the latest GHG revision on October 16, 2015, which incorporated an extension of the DTC provision for model years 2017-2025[6].

Recently proposed revised federal GHG standards, and other actions, have necessitated a review of the DTC provision by California, New York, and other Section 177 states. The proposed federal GHG standards rollback the existing standards for model years 2021-2025. This results in federal standards that are significantly less stringent that California's standards adopted in 2012 as part of the ACC program.

The Department is proposing to amend Part 218 to incorporate California's latest clarifications to the GHG program. The proposed revisions clarify that the version of the federal program to which the DTC applies is the program included in federal regulations for model years 2021-2025 that were last amended on October 25, 2016. If U.S. EPA reduces the stringency of the federal standards as proposed, vehicle manufacturers will no longer be allowed to use the enforcement option of demonstrating compliance with less stringent federal GHG standards in lieu of California standards for 2021 and subsequent model years. All new 2021 and subsequent model year passenger cars, light-duty trucks, and medium-duty passenger vehicles up to 10,000 pounds gross vehicle weight rating (GVWR) delivered for sale in New York will be required to be certified to California GHG standards.

DEC estimated GHG emissions benefits of approximately 14 million metric tons in 2035 resulting from the California ACC standards adopted in 2012. While existing federal GHG standards for model years 2017-2025 are less stringent than comparable California standards, applying the reductions nationally would provide a nationwide benefit. The 2015 rulemaking estimated compliance using federal standards would result in approximately 4.5 percent less CO2 equivalent emission reductions in 2025 than would otherwise be achieved under California standards. California, New York, and other Section 177 states determined that the slight decrease in stringency was offset by the additional GHG reductions that would be achieved by nationwide implementation of federal GHG standards.

4. Costs

Potential Impact on Consumers.

The proposed amendments are not expected to result in additional costs for New York State consumers as California's current model year 2021-2025 standards would remain the same.

Potential Impact on Manufacturers

If the U.S. EPA weakens federal GHG standards, beginning with model

year 2021, vehicle manufacturers will be required to demonstrate compliance in California, New York, and other Section 177 states utilizing vehicles certified to California standards. They will be required to demonstrate compliance in remaining states utilizing vehicles certified to federal standards. This is identical to the situation that existed prior to adoption of the DTC provision in 2010. The California standards are duly enacted and enforceable under California's Section 209 waiver which was initially granted for these standards in 2009 before the negotiation and agreement that led to the 2012 adoption of the DTC provision[7], and subsequently in New York and other states that have adopted California standards under Section 177. However, this will provide a health and environmental benefit to New York.

Potential Impact on Business Competitiveness.

The proposed amendments apply equally to all vehicle manufacturers and affiliated businesses delivering new vehicles for sale in New York. There is currently no automotive manufacturing in New York involving the final assembly of vehicles. Affiliated businesses, such as dealerships and engineering and design facilities, are generally local businesses that compete within the State and are subject to minimal competition from out-of-state businesses. New York dealerships will be able to sell California certified vehicles to states bordering New York, as is currently the case. New York residents will not be able to buy noncompliant vehicles out of state since vehicles must be California certified to be registered in New York. This is currently the case with the existing LEV program and will not change with the proposed revisions. Surrounding states have adopted, or will adopt, identical requirements. The proposed regulation is not expected to impose a competitive disadvantage on New York State businesses.

Potential Impact on Employment.

The proposed amendments are not expected to cause a noticeable change in New York employment. The proposed changes are a clarification of the existing DTC provision.

Potential Impact on Business Creation, Elimination or Expansion.

The proposed regulations are not expected to have any impact on business creation, elimination, or expansion. The proposed changes are a clarification of the existing DTC provision. Failure to adopt this rulemaking, however, will harm New York State businesses that are part of the supply chain for lower emission vehicles, if there are any such businesses.

Potential Costs to Local and State Agencies.

The proposed amendments are not expected to result in any additional costs for local and state agencies. No additional paperwork or staffing requirements are expected.

5. Local government mandates

The proposed amendments do not impose a local government mandate. No additional paperwork or staffing requirements are expected. This is not a mandate on local governments pursuant to Executive Order 17. Local governments have no additional compliance obligations as compared to other subject entities.

6. Paperwork

The proposed revision will not result in any significant paperwork requirements for New York vehicle suppliers, dealers, or government. Implementation of the proposed GHG regulation is not expected to be burdensome in terms of paperwork to vehicle owners/operators.

7. Duplication

There are no relevant state or federal rules or other legal requirements that will duplicate, overlap or conflict with this.

8. Alternatives

New York could choose not to adopt the revisions to California's GHG program and revert to federal motor vehicle standards. The proposed federal rulemaking would freeze GHG standards at model year 2020 levels for model years 2021-2026. These proposed federal standards will be significantly less stringent than the previously adopted California GHG standards.

The option to revert to less stringent, and protective, federal motor vehicle emission standards was considered and ultimately rejected. The proposed federal standards are less protective of human health and the environment and will make it much harder, if not impossible, for New York to meet its GHG reduction goals reflected in Executive Order 166 and to meet and maintain its air quality goals under the National Ambient Air Quality Standards. Executive Order Number 166 calls for reducing New York's GHG emissions 40 percent by 2030 and 80 percent by 2050 from 1990 levels[8].

9. Federal standards

As mentioned above, the proposed federal standards are significantly less stringent than California's current standards. The reduced stringency, and resulting degradation to emissions reductions, makes the continued implementation of DTC standards unviable in New York State as it impedes the State's ability to attain and maintain its air quality goals. If the federal government finalizes its rulemaking, New York will require all new vehicles delivered for sale in New York to meet California's GHG standards commencing with the 2021 model year to safeguard the health of New York residents and the environment.

10. Compliance schedule

The proposed GHG regulation revisions will take effect 30 days after filing for 2021 and subsequent model year passenger cars, light-duty trucks, and medium-duty passenger vehicles.

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[1] U.S. Environmental Protection Agency. Nonattainment Areas for Criteria Pollutants (Green Book). September 30, 2017. https://www3.epa.gov/airquality/greenbook/hbstateb.html

[2] U.S. Environmental Protection Agency. National Emissions Inventory. https://www.epa.gov/air-emissions-inventories/2014-nei-data

[3] New York State Energy Research and Development Authority (NYSERDA). New York State Greenhouse Gas Inventory:1990-2014. December 2016, Revised February 2017. Pg S-3. https://www.nyserda.ny.gov/About/Publications/EA-Reports-and-Studies/Energy-Statistics

[4] New York State Department of Health. New York State Asthma Surveillance Summary Report. October 2013. Pg 16. http://www.health.ny.gov/statistics/ny_asthma/

[5] New York State Department of Health. New York State Asthma Surveillance Summary Report. October 2013. Pg 12. http://www.health.ny.gov/statistics/ny_asthma/

[6] 6 NYCRR Part 218-8.3(d)

[7] https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations

[8] https://www.governor.ny.gov/news/no-166-redoubling-new-yorks-fight-against-economic-and-environmental-threats-posed-climate

Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's latest revisions to its low emission vehicle (LEV) III greenhouse gas (GHG) program that clarify the deemed to comply provision for model years 2021-2025 into New York's existing LEV III program. These changes were proposed by California on August 7, 2018. These changes apply to vehicles purchased by consumers, businesses, and government agencies in New York and may impact businesses involved in manufacturing, selling, leasing, or purchasing passenger cars or trucks.

State and local governments are also consumers of vehicles that will be regulated under the proposed amendments. Therefore, local governments who own or operate vehicles in New York State are subject to the same requirements as owners of private vehicles in New York State; i.e., they must purchase California certified vehicles. This rulemaking is not a local government mandate pursuant to Executive Order 17.

The proposed changes are an addition to the current LEV III standards. The new motor vehicle emissions program has been in effect in New York State since model year 1993 for passenger cars and light-duty trucks, except for the 1995 model year, and the Department is unaware of any significant adverse impact to small businesses or local governments because of previous revisions. Section 177 of the federal Clean Air Act requires New York to maintain standards identical to California's to maintain the LEV program.

2. Compliance requirements:

There are no specific requirements in the proposed regulation which apply exclusively to small businesses or local governments. Reporting, recordkeeping and compliance requirements are effective statewide. Automobile dealers (some of which may be small businesses) selling new cars are required to sell, or offer for sale, only California certified vehicles. These proposed amendments will not result in any additional reporting requirements to dealerships other than the current requirements to maintain records demonstrating that vehicles are California certified. This documentation is the same documentation already required by the New York State Department of Motor Vehicles for vehicle registration. If local governments are buying new fleet vehicles they should make sure that the vehicles are California certified. This has been the case for more than two decades in New York.

3. Professional services:

There are no professional services needed by small business or local government to comply with the proposed rule.

4. Compliance costs:

New York State currently maintains personnel and equipment to administer the LEV program. It is expected that these personnel will be retained to administer the proposed revisions to this program. Therefore, no additional costs will be incurred by the State of New York for the administration of this program.

5. Economic and technological feasibility:

The proposed amendments are not expected to have any adverse impacts on automobile dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. Implementation of the proposed regulations is not expected to be burdensome in terms of additional reporting requirements for dealers. As stated previously, there would be no change in the competitive relationship with out-of-state businesses.

The deemed to comply provision currently allows vehicle manufacturers to demonstrate compliance utilizing federal greenhouse gas standards in lieu of California's more stringent standards. The proposed amendments will clarify the deemed to comply provision to address the U.S. Environmental Protection Agency's (EPA) proposed freeze and roll back of existing greenhouse gas standards for model years 2021-2025. The proposed revisions to Part 218 will apply to all 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty vehicles up to 14,000 pounds gross vehicle weight rating (GVWR).

6. Minimizing adverse impact:

The proposed amendments are not expected to have any impact on automobile dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. Implementation of the proposed amendments is not expected to be burdensome in terms of additional reporting requirements for dealers.

There will be no adverse impact on local governments who own or operate vehicles in the state because they are subject to the same requirements as those imposed on owners of private vehicles. In other words, state and local governments will be required to purchase California certified vehicles. This rulemaking is not a local government mandate pursuant to Executive Order 17.

This regulation contains exemptions for emergency vehicles, and military tactical vehicles and equipment.

7. Small business and local government participation:

The Department plans on holding public hearings at various locations throughout New York State after the amendments are proposed. Small businesses and local governments will have the opportunity to attend these public hearings. Additionally, there will be a public comment period in which interested parties can submit written comments.

8. Cure period:

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking to comply with changes California has made to its vehicle emissions program to maintain identicality with Section 177 of the Clean Air Act.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's latest revisions to its low emission vehicle (LEV) III greenhouse gas (GHG) program that clarify the deemed to comply provision for model years 2021-2025 into New York's existing LEV III program. These changes were proposed by California on August 7, 2018.

There are no requirements in the proposed regulation which apply only to rural areas. These changes apply to manufacturers' requirements for the manufacture and sale of vehicles sold in New York. The changes to these regulations may impact businesses involved in manufacturing, selling, purchasing, or repairing passenger cars or trucks.

The proposed changes are an addition to the current LEV III standards. The new motor vehicle emissions program has been in effect in New York State since model year 1993 for passenger cars and light-duty trucks, except for the 1995 model year, and the Department is unaware of any significant adverse impact to small businesses or local governments because of previous revisions. The beneficial emission reductions from the program accrue to all areas of the state.

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

There are no specific requirements in the proposed regulations which apply exclusively to rural areas. Reporting, recordkeeping and compliance requirements apply primarily to vehicle manufacturers, and to a lesser degree to automobile dealerships. Manufacturers reporting requirements mirror the California requirements, and are thus not expected to be burdensome. Dealerships do not have reporting requirements, but must maintain records to demonstrate that vehicles are California certified. This documentation is the same as documentation already required by the New York State Department of Motor Vehicles for vehicle registration. This has been the case for more than two decades in New York.

Professional services are not anticipated to be necessary to comply with the proposed rules.

3. Costs:

The proposed amendments are not expected to have any impact on consumers.

4. Minimizing adverse impact:

The proposed changes will not adversely impact rural areas.

5. Rural area participation:

The Department plans on holding public hearings at various locations throughout New York State once the regulation is proposed. Some of these locations will be convenient for persons from rural areas to participate. Additionally, there will be a public comment period in which interested parties can submit written comments.

Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's latest revisions to its low emission vehicle (LEV) III greenhouse gas (GHG) program that clarify the deemed to comply provision for model years 2021-2025 into New York's existing LEV III program. These changes were proposed by California on August 7, 2018.

The proposed amendments to the regulations are not expected to adversely impact jobs and employment opportunities in New York State. New York State has had a LEV program in effect since model year 1993 for passenger cars and light-duty trucks, except for model year 1995, and the Department is unaware of any significant adverse impact to jobs and employment opportunities because of previous revisions.

2. Categories and numbers affected:

The proposed changes to this regulation will not adversely impact businesses involved in manufacturing, selling or purchasing passenger cars or trucks. No final assembly of automobiles occurs in New York State. Dealerships will be able to sell California certified vehicles to buyers from states bordering New York. Since vehicles must be California certified to be registered in New York, New York residents will not be able to buy non-complying vehicles out-of-state, but may be able to buy complying vehicles out-of-state. These businesses compete within the state and generally are not subject to competition from out-of-state businesses. Therefore, the proposed regulation is not expected to impose a competitive disadvantage on affiliated businesses, and there would be no change from the current relationship with out-of-state businesses.

3. Regions of adverse impact:

None.

4. Minimizing adverse impact:

The proposed regulations are not expected to have adverse impacts on automobile dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the proposed regulations is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

The deemed to comply provision currently allows vehicle manufacturers to demonstrate compliance utilizing federal greenhouse gas standards in lieu of California's more stringent standards. The proposed amendments will clarify the deemed to comply provision to address the U.S. Environmental Protection Agency's (EPA) proposed freeze and roll back of existing greenhouse gas standards for model years 2021-2025. If EPA does not freeze, or roll back, existing standards then there will be no change to the current standards in Part 218. The proposed revisions to Part 218 will apply to all 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty vehicles up to 14,000 pounds gross vehicle weight rating (GVWR).

5. Self-employment opportunities:

None that the Department is aware of at this time.

Department of Financial Services

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Paid Family Leave Risk Adjustment Fund

I.D. No. DFS-02-19-00008-P

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

Proposed Action: Addition of Part 364 (Regulation 214) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 4235; Workers' Compensation Law, sections 208(2) and 209(3)(b)

Subject: Paid Family Leave Risk Adjustment Fund.

Purpose: Establishment of the Paid Family Leave Risk Adjustment Fund.

Text of proposed rule: *Section 364.1 Preamble.*

(a) Pursuant to the authority granted in, among other things, Insurance Law section 4235(n), the superintendent previously determined that family leave benefits provided by issuers shall be subject to a risk adjustment mechanism for calendar year 2018. Additionally, pursuant to section 363.5(b) of this Title, the superintendent in consultation with the chair of the workers' compensation board may determine whether the family leave benefits coverage provided by issuers in subsequent years will be subject to a risk adjustment mechanism.

(b) It is necessary for the implementation of the risk adjustment mechanism established by section 363.5 of this Title that a fund be established to hold the risk adjustment pools required to receive the payments and make the disbursements called for by that section.

Section 364.2 Risk adjustment fund.

There is hereby established within the sole custody of the superintendent, a fund to be called the Paid Family Leave Risk Adjustment Fund, to receive transfers of funds from issuers for those years in which it is determined by the superintendent in consultation with the chair of the workers' compensation board that the family leave benefits coverage provided by issuers will be subject to the risk adjustment mechanism established by section 363.5 of this Title. The moneys so received and deposited in the Paid Family Leave Risk Adjustment Fund shall not be deemed State funds. The superintendent is authorized, in his or her sole discretion, to make disbursements without an appropriation from the Paid Family Leave Risk Adjustment Fund for the purpose of remitting to issuers any moneys due them as a result of the risk adjustment mechanism established by section 363.5 of this Title, and such disbursements shall be made pursuant to that section.

Text of proposed rule and any required statements and analyses may be obtained from: Eamon Rock, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302, Insurance Law Sections 301 and 4235, and Workers' Compensation Law Sections 208(2) and 209(3)(b).

FSL Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent"). FSL Section 302 and IL Section 301, in pertinent part, authorize the Superintendent to prescribe regulations a group accident insurance policy, a group health insurance policy, and a group accident and health insurance policy.

IL Section 4235(n)(1) provides that on or before June 1, 2017, the Superintendent, by regulation, in consultation with the Chair of the Workers' Compensation Board ("Chair"), must determine whether the family leave benefits coverage of a group accident and health insurance policy providing disability and family leave benefits pursuant to WCL Article 9, including policies issued by the State Insurance Fund, will be experience rated or community rated, which may include subjecting the family leave benefits coverage of the policy to a risk adjustment mechanism.

IL Section 4235(n)(1) also requires the Superintendent to establish the rates for any community rated family leave benefits coverage and apply commonly accepted actuarial principles to establish community rated family leave benefits coverage rates that are not excessive, inadequate or unfairly discriminatory. It further requires the Superintendent, on June 1, 2017 and September 1 of each year thereafter, to publish all community rated family leave benefits rates for the policy period beginning on the following January 1.

IL Section 4235(n)(2) states that if the policy is subjected to a risk adjustment mechanism, then the Superintendent must promulgate regulations necessary for the implementation of Section 4235(n) in consultation with the Chair, and that the Superintendent, or a third party vendor selected by the Superintendent, must administer the risk adjustment mechanism in consultation with the Chair.

IL Section 4235(n)(3) defines "risk adjustment mechanism" to mean the process used to equalize the per member per month claim amounts among issuers in order to protect issuers from disproportionate adverse risks.

WCL Section 208(2) permits the Superintendent and Chair to require an issuer to file a report as to any claim whenever such information is deemed necessary, and states that the Chair and Superintendent may prescribe the format of such report and may promulgate regulations to effectuate WCL Article 9.

WCL Section 209(3)(b) states that on June 1, 2017 and annually thereafter on September 1, the Superintendent must set the maximum employee contribution, using sound actuarial principles and the reports provided in WCL Section 208. The maximum employee contribution applies to both insured employers and self-funded employers.

2. Legislative objectives: The proposed regulation establishes the Paid Family Leave Risk Adjustment Fund. This regulation is necessary to implement the Paid Family Leave risk adjustment mechanism as set forth in Part 363 of 11 NYCRR.

3. Needs and benefits: Pursuant to the authority granted in, among other things, Insurance Law Section 4235(n), the Superintendent previously determined that family leave benefits provided by issuers shall be subject to a risk adjustment mechanism for calendar year 2018. Additionally, the Superintendent may determine whether the family leave benefits coverage provided by issuers in subsequent years will be subject to a risk adjustment mechanism. Insurance Law Section 4235(n) also grants authority to the Superintendent to promulgate regulations necessary for the implementation of a risk adjustment mechanism, in consultation with the Chair of the Workers Compensation Board. In order to implement the risk adjustment mechanism established by 11 NYCRR 363.5, it is necessary to promulgate a regulation to establish a fund to hold the risk adjustment pools required to receive the payments and make the disbursements called for by that section.

4. Costs: The proposed regulation will impose no cost to the Department as it merely establishes a fund. The Department does not anticipate that the proposed regulation will have any cost impact on any party as Part 363 of 11 NYCRR already sets forth the risk adjustment program and how it will function.

5. Local government mandates: This regulation would impose no new mandates on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: The proposed regulation does not require any additional reporting requirements or paperwork. Part 363 of 11 NYCRR already sets forth the risk adjustment program and how it will function; this regulation merely establishes the fund necessary to operate that mechanism.

7. Duplication: This rule does not duplicate or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There are no viable alternatives to this regulation. In order to implement the risk adjustment mechanism described in Insurance Law Section 4235(n) and established by 11 NYCRR 363.5, this regulation must be promulgated to create a fund to hold the risk adjustment pools required to receive the payments and make the disbursements — that are necessary functions of any risk adjustment mechanism — and called for by 11 NYCRR 363.5. The proposed regulation merely establishes the necessary fund.

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: As Part 363 of 11 NYCRR already establishes the risk adjustment mechanism and how it will function, and this regulation merely establishes, without imposing any requirements on any party, the fund necessary to hold the risk adjustment pools required to receive the payments and make the disbursements called for by Insurance Law Section 4235(n), there should be no time needed to come into compliance with the regulation.

Regulatory Flexibility Analysis

The Department finds that the proposed regulation will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in New York State. The proposed regulation merely creates the fund required to implement the risk adjustment mechanism referred to in Insurance Law Section 4235(n) and established by Part 363 of 11 NYCRR. In fact, the rules related to how moneys shall transfer through the fund have already been promulgated in Part 363 of 11 NYCRR. Thus this regulation will not have any impact on small businesses or local governments.

Rural Area Flexibility Analysis

The Department finds that the proposed regulation will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in New York State. The proposed regulation merely creates the fund required to implement the risk adjustment mechanism referred to in Insurance Law Section 4235(n) and established by Part 363 of 11 NYCRR. In fact, the rules related to how moneys shall transfer through the fund have already been promulgated in Part 363 of 11 NYCRR. Thus this regulation will not have any impact on public or private entities in rural areas.

Job Impact Statement
The Department finds that the proposed regulation will not have a substantial adverse impact on jobs and employment opportunities as apparent from its nature and purpose in New York State. The proposed regulation merely creates the fund required to implement the risk adjustment mechanism referred to in Insurance Law Section 4235(n) and established by Part 363 of 11 NYCRR. In fact,the rules related to how moneys shall transfer through the fund have already been promulgated in 11 NYCRR 363. Thus this regulation will not have any impact on jobs or employment opportunities.

Department of Health

NOTICE OF ADOPTION

Emergency Medical Services (EMS) Initial Certification Eligibility Requirements

I.D. No. HLT-04-18-00010-A
Filing No. 1204
Filing Date: 2018-12-24
Effective Date: 2019-01-09

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

Action taken: Amendment of sections 800.6 and 800.12 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 3002

Subject: Emergency Medical Services (EMS) Initial Certification Eligibility Requirements.

Purpose: To reduce the EMS certification eligibility minimum age from 18 to 17 years of age.

Text or summary was published in the January 24, 2018 issue of the Register, I.D. No. HLT-04-18-00010-P.

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

Revised rule making(s) were previously published in the State Register on October 17, 2018.

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

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

Assessment of Public Comment
The agency received no public comment.

NOTICE OF ADOPTION

Patients' Bill of Rights

I.D. No. HLT-33-18-00017-A
Filing No. 1188
Filing Date: 2018-12-18
Effective Date: 2019-01-09

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

Action taken: Amendment of sections 405.7 and 751.9 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Patients' Bill of Rights.

Purpose: Require general hospitals and diagnostic and treatment centers to update their statements of patient rights.

Text of final rule: Paragraph (2) of subdivision (b) of section 405.7 of Title 10 is amended to read as follows:

(2) treatment without discrimination as to race, color, religion, sex, *gender identity,* national origin, disability, sexual orientation, age, or source of payment;

Subdivision (c) of section 405.7 of Title 10 is amended to read as follows:

(c) Patients' Bill of Rights. For purposes of subdivision (a) of this section, the hospital shall utilize the following Patients' Bill of Rights:

Patients' Bill of Rights

As a patient in a hospital in New York State, you have the right, consistent with law, to:

(1) Understand and use these rights. If for any reason you do not understand or you need help, the hospital must provide assistance, including an interpreter.

(2) Receive treatment without discrimination as to race, color, religion, sex, *gender identity,* national origin, disability, sexual orientation, age, or source of payment.

(3) Receive considerate and respectful care in a clean and safe environment free of unnecessary restraints.

(4) Receive emergency care if you need it.

(5) Be informed of the name and position of the doctor who will be in charge of your care in the hospital.

(6) Know the names, positions, and functions of any hospital staff involved in your care and refuse their treatment, examination or observation.

(7) [A no smoking room.] *Identify a caregiver who will be included in your discharge planning and sharing of post-discharge care information or instruction.*

(8) Receive complete information about your diagnosis, treatment and prognosis.

(9) Receive all the information that you need to give informed consent for any proposed procedure or treatment. This information shall include the possible risks and benefits of the procedure or treatment.

(10) Receive all the information you need to give informed consent for an order not to resuscitate. You also have the right to designate an individual to give this consent for you if you are too ill to do so. If you would like additional information, please ask for a copy of the pamphlet ''Do Not Resuscitate Orders - A Guide for Patients and Families.''

(11) Refuse treatment and be told what effect this may have on your health.

(12) Refuse to take part in research. In deciding whether or not to participate, you have the right to a full explanation.

(13) Privacy while in the hospital and confidentiality of all information and records regarding your care.

(14) Participate in all decisions about your treatment and discharge from the hospital. The hospital must provide you with a written discharge plan and written description of how you can appeal your discharge.

(15) Review your medical record without charge and obtain a copy of your medical record for which the hospital can charge a reasonable fee. You cannot be denied a copy solely because you cannot afford to pay.

(16) Receive an itemized bill and explanation of all charges.

(17) View a list of the hospital's standard charges for items and services and the health plans the hospital participates with.

(18) Challenge an unexpected bill through the Independent Dispute Resolution process.

[(17)] *(19)* Complain without fear of reprisals about the care and services you are receiving and to have the hospital respond to you and if you request it, a written response. If you are not satisfied with the hospital's response, you can complain to the New York State Health Department. The hospital must provide you with the Health Department telephone number.

[(18)] *(20)* Authorize those family members and other adults who will be given priority to visit consistent with your ability to receive visitors.

[(19)] *(21)* Make known your wishes in regard to anatomical gifts. [You] *Persons sixteen years of age or older* may document [your wishes in your] *their consent to donate their organs, eyes and/or tissues, upon their death, by enrolling in the NYS Donate Life Registry or by documenting their authorization for organ and/or tissue donation in writing in a number of ways (such as health care proxy, will, donor card, or other signed paper). The* health care proxy [or on a donor card,] *is* available from the hospital.

Subdivision (a) of section 751.9 is amended to read as follows:

(a) receive service(s) without regard to age, race, color, sexual orientation, religion, marital status, sex, *gender identity,* national origin or sponsor;

Subdivision (q) of section 751.9 is amended to read as follows:

(q) *when applicable,* make known your wishes in regard to anatomical gifts. [You] *Persons sixteen years of age or older* may document [your wishes in your] *their consent to donate their organs, eyes and/or tissues, upon their death, by enrolling in the NYS Donate Life Registry or by documenting their authorization for organ and/or tissue donation in writing in a number of ways (such as health care proxy, will, donor card, or other signed paper). The* health care proxy [or on a donor card] *is* available from the center.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 405.7(c) and 751.9(q).

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

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment: The Chairs of the New York State Assembly Committees on Health and on Administrative Regulations commented that a provision in the Patients' Bill of Rights that states that a patient has right to a "no smoking room" is obsolete. Smoking is now prohibited within hospitals, on hospital grounds, and within 15 feet of the entrance to or exit from the hospital or hospital grounds.

Response: The Department agrees that the provision is obsolete and has removed it. The paragraph has been repurposed to accommodate one of the new provisions that was proposed.

Comment: The New York City Department of Health and Mental Hygiene noted that the provision in the Patients' Bill of Rights relating to diagnostic and treatment centers, stating that a patient has a right to make their wishes known regarding anatomical gifts, is overbroad because patients at many such clinics have no reason to make an anatomical gift, based on the services provided at the clinic.

Response: The phrase "when applicable" has been added to the provision to add clarity.

State Liquor Authority

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Delinquent (C.O.D.) List Procedures

I.D. No. LQR-02-19-00006-P

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

Proposed Action: Amendment of Part 68; repeal of sections 68.3, 68.8 and 68.10 of Title 9 NYCRR.

Statutory authority: Alcoholic Beverage Control Law, sections 101-aa, 101-aaa; State Administrative Procedure Act, section 201

Subject: Delinquent (C.O.D.) list procedures.

Purpose: To modernize outdated delinquent (C.O.D.) list procedures and provide for electronic notification for same.

Public hearing(s) will be held at: 10:00 a.m., April 17, 2019 at State Liquor Authority, 317 Lenox Ave., New York, NY.

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

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

Text of proposed rule: § 68.2 [Grouping of licensees] *Alcoholic beverage delivery invoices required*

[(a) Except for chains, that may be assigned to a single group by the Authority, and off-premises liquor and/or wine store licensees, all retail licensees shall be divided into four credit groups based on the last two digits of the serial (license) number. These groupings are as follows:

Group 1--01-25
Group 3--51-75
Group 2--26-50
Group 4--76-00

(b) Chain grocery stores and other retail chain licensees shall be divided into four groups by the Liquor Authority as nearly equal as practicable. In addition, any retail licensee may be assigned to a group different from that which his serial number indicates where, in the judgment of the Authority, such assignment is warranted.]

(a) For purposes of calculating credit periods in compliance with Alcoholic Beverage Control Law Sections 101-aa and 101-aaa and this Part, each sale or delivery of alcoholic beverages to a retail licensee must be accompanied by a true and accurate invoice featuring: a unique invoice number; the delivery date; the seller's name and business address; the brand names and quantities of alcoholic beverages delivered on that date; the price of each individual item, the subtotal of all items delivered on that date, and the total amount due from the retailer arising from the entire invoice; the name, address, and license number of the retailer to whom the delivery is made; as well as a true, accurate, and complete statement of the terms and conditions upon which the delivery is made. In addition, each such invoice must feature the delivery address if different than the retailer's business address. A duplicate original of each delivery invoice must be maintained by each manufacturer and wholesaler for a minimum period of two years from the date of delivery of the alcoholic beverages.

(b) The delivery date reflected on each invoice as required by subpart (a) above shall be the date utilized for purposes of calculating credit periods in compliance with Alcoholic Beverage Control Law Sections 101-aa and 101-aaa and these rules. Any retailer that is delinquent in payment for any such invoice must be placed on the delinquent (C.O.D.) list by the manufacturer or wholesaler via the Online Delinquent Management System and in accordance with Alcoholic Beverage Control Law Sections 101-aa and 101-aaa and these rules.

(c) If goods are sold by a wholesaler to a retailer via the "bill and hold" method of operation whereby the wholesaler acts as a warehouse for a portion of the purchased product that is not physically delivered to the retailer's licensed premises or a licensed warehouse on behalf of the retailer all at once at the initial delivery, the wholesaler must issue to the retailer a warehouse receipt in accordance with Part 64 of these rules, and the date that the wholesaler accepts the order from the retailer shall be considered the date of delivery utilized for purposes of calculating credit periods and compliance with Alcoholic Beverage Control Law Sections 101-aa and 101-aaa and these rules.

§ 68.4 [Monthly statements to retailers] *Electronic mail notification option*

[On or before the Friday following the last day of a credit period of retail licensees, other than off-premises liquor and/or wine licensees, each manufacturer or wholesaler shall forward to such licensee, who is indebted to the manufacturer or wholesaler for purchases of alcoholic beverages during the preceding credit period, a statement in writing showing the amount owed on the last day of the credit period by such retailer to the manufacturer or wholesaler. Each such statement shall indicate thereon the prescribed final payment date. A record of the statement which was mailed to the retailer and was not paid on or before the final payment date shall be retained in the records of the manufacturer or wholesaler for a period of at least one year thereafter as evidence of compliance with this section.]

Each manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow any retail licensee to opt to receive notices and information via electronic mail including, but not limited to, delinquent (C.O.D.) list notifications. Any manufacturer or wholesaler who opts to allow retailers to receive electronic mail notifications shall for each retailer that opts to receive email notifications:

a) On or before the Final Payment Date, email the retailer a list of all invoices which are due on the Final Payment Date and remain unpaid (hereinafter the "First Notice") along with a statement setting forth the Notification Date and a statement that the retailer will be placed on the Delinquent List via the Authority's Online Delinquent Management System if payment of all outstanding invoice balances due for alcoholic beverage purchases and/or delivery charges arising therefrom has not been received by the Notification Date; and

b) In the event any amount due for alcoholic beverage purchases and/or delivery charges arising therefrom on each invoice included in the First Notice has not been paid in full, on the Notification Date report the retailer as delinquent via the Authority's Online Delinquent Management System and send a copy of the First Notice via electronic mail to the retail licensee; and

c) Maintain records of all email notifications sent to retailers for a period of two years.

§ 68.6 Purchases by retailers in default

Subsequent to [the receipt of a notice of default from any wholesaler] *having been reported as delinquent by a manufacturer or wholesaler via the Authority's Online Delinquent Management System,* no retail licensee shall purchase or accept any delivery of alcoholic beverages except for cash until such time as he *or she* has received a release in writing from the [Liquor] Authority or his *or her* name is removed from the delinquent list. No wholesaler or manufacturer shall make any sale or delivery, except for cash, to any retailer whose name is on the delinquent list unless the retailer evidences a release in writing from the [Liquor] Authority.

§ 68.7 Notification to Liquor Authority

(a) On [or before] the respective notification dates each *manufacturer or* wholesaler shall file with the [appropriate zone office of the] Authority [whichever of the following is appropriate:

(1) A copy of each notice of default forwarded to retail licensees, together with a list of delinquent retailers.

(2) In the event no retail licensees are in default, a statement in writing to that effect.]

via the Authority's Online Delinquent Management System at a website address and in a manner as directed by the Authority, the name and serial number of each delinquent retail licensee as well as the delivery date of the unpaid invoice and the amount owed thereon. Such electronic delinquent (C.O.D.) list posting shall serve as a substitute for the first class mailing requirements for Notices of Default as set forth in Alcoholic Beverage Control Law § 101-aa(3).

(b) Where a check drawn on the account of a retail licensee on the delinquent list is tendered to a manufacturer or wholesaler as "cash payment" and such check is not honored upon presentment to the bank for payment, said manufacturer or wholesaler shall submit a report in writing concerning the same [to the appropriate zone office of the Authority] *on a form and in a manner as directed by the Authority.*[, together with a copy of the notice of default sent to the retail licensee]. Such report shall be submitted within three business days after the manufacturer or wholesaler has received notice that the check was not honored when presented to the bank for payment and should be accompanied by a [Photostat] *copy* of both sides of the check.

(c) In any instance where a delinquent retailer makes a payment *in full of the entire amount due and payable on an invoice for alcoholic beverages and/or delivery charges arising therefrom*, [an appropriate notice of payment shall be forwarded to the retailer and to the Liquor Authority by] the *manufacturer or* wholesaler receiving such payment *shall log onto the Authority's Online Delinquent Management System and remove the retailer from the delinquent (C.O.D.) list*. [Such notices] *Said action* shall be [forwarded immediately] *taken by the manufacturer or wholesaler during the same business day that such payment is received* if the payment is made by cash, certified check, bank officer's check, draft or money order. Where payment is made by ordinary check, [the forwarding of the notice of payment] *the manufacturer or wholesaler* shall [be] defer[red] *removal of the retailer from the delinquent (C.O.D.) list* until such check has cleared the bank.

§ 68.9 Delinquent list[s]

[A separate delinquent list shall be published covering each of the four groups of retail licensees and the Liquor Authority shall mail a copy thereof to each manufacturer and wholesaler. Additional copies will be supplied to manufacturers or wholesalers requesting them at 50 cents per copy. The delinquent list for off-premises liquor and/or wine licensees shall be published together with the delinquent list for Group 1.]

The Authority shall publish the delinquent (C.O.D.) list online via the Online Delinquent Management System and shall make same available to licensed manufacturers, wholesalers and retailers. Any appearance of a retail licensee on the delinquent (C.O.D.) list shall constitute notice to all manufacturers and wholesalers of that retailer's delinquent status.

§ 68.11 Sale of business

Unless otherwise prescribed by the [Liquor] Authority where, in connection with a transfer or sale of a licensed business, the Authority issues a license to the purchaser, who assumes the debts of a seller who is on the delinquent list, the purchaser shall not purchase alcoholic beverages except for cash and his name shall be published on the delinquent list. [The purchaser shall be assigned to a group as set forth in section 68.2 above.]

§ 68.12 Releases from the delinquent list

The Authority may grant a release from the delinquent *(C.O.D.)* list to any retail licensee who has received a notice of default or is named on [any] *the* delinquent *(C.O.D.)* list [when notices of payment have been filed with the Authority by the manufacturers and wholesalers involved, or] on good cause shown to it and after investigation of the facts. [Such release shall permit the sale and delivery of alcoholic beverages on terms other than for cash prior to the publication of the next appropriate delinquent list.]

Text of proposed rule and any required statements and analyses may be obtained from: Paul S. Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 474-3114, email: paul.karamanol@sla.ny.gov

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

Public comment will be received until: Five days after the last scheduled public hearing.

Regulatory Impact Statement

Statutory authority:

These proposed regulations concerning the terms of sales of alcoholic beverages are issued pursuant to Alcoholic Beverage Control Law ("ABCL") §§ 101-aa and 101-aaa and are being issued by the State Liquor Authority ("Authority") and would appear as amended Parts 68.2, 68.4, 68.6, 68.7, 68.9, 68.11, and 68.12 and would also repeal Parts 68.3, 68.8 and 68.10 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.).

These regulations are issued pursuant to the following:

ABCL § 101-aa, which authorizes the Authority to promulgate rules and regulations governing the terms of sales of alcoholic beverages bottled, packaged, sold, or possessed for sale within the state;

ABCL § 101-aaa, which authorizes the Authority to require manufacturers and wholesalers of beer, cider and wine products to file with the Authority a list of all retailers delinquent in payment for purchases of alcoholic beverages;

State Administrative Procedure Act § 201, which authorizes all agencies to adopt by rule additional procedures not inconsistent with statute.

Legislative objectives:

Changing the public policy underpinnings of the ABCL to be more business friendly where possible was recommended by the New York State Law Revision Commission in their 2009 Report on the Alcoholic Beverage Control Law and its Administration, which included recommendations of "supporting economic growth, job development, and the state's alcoholic beverage production industries and its tourism and recreation industry…provided that such activities do not conflict with the primary regulatory objectives of promoting the health, welfare and safety of the people of the state, and promoting temperance in the consumption of alcoholic beverages." In that effort, and in order to codify by rule certain changes put into effect via an industry advisory several years ago (Advisory #2011-1 in compliance with bulletins #166, 338, and 339, as well as Divisional Order #719), the Authority hereby seeks to update its delinquent (C.O.D.) list rules to make them easier to understand and abide by for industry members and regulators alike. These regulatory proposals would thus help the Authority promote the health, welfare and safety of the people of New York by: making it clear that individual alcoholic beverage purchase invoices from manufacturers and wholesalers to retailers must be used to calculate credit periods for retailer payments and monitor compliance therewith in accordance with ABCL §§ 101-aa and 101-aaa; making it clear that manufacturers and wholesalers must use the Authority's Online Delinquent Management System for reporting delinquent retailers; making it clear that any manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow retail licensees to optionally receive delinquent payment notices and other information via electronic mail; and requiring wholesalers to maintain records by which the Authority can track compliance for a period of two years.

Needs and benefits:

These regulatory proposals will help modernize administration of the ABCL, and promote the health, welfare, and safety of the people of New York by: making it clear that individual alcoholic beverage purchase invoices from manufacturers and wholesalers to retailers must be used to calculate credit periods for retailer payments and monitor compliance therewith in accordance with the statutory requirements set forth in ABCL §§ 101-aa and 101-aaa; making it clear that manufacturers and wholesalers must use the Authority's Online Delinquent Management System for reporting delinquent retailers; making it clear that any manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow retail licensees to optionally receive delinquent payment notices and other information via electronic mail; and requiring wholesalers to maintain records by which the Authority can track compliance for a period of two years.

Costs:

There will be no increased costs to local municipal governments as a result of these proposals, as local municipalities play no role in regulating the delinquent (C.O.D.) lists. Additionally, there will be no increased costs to industry members or to the Authority as a result of these proposals since all parties are already utilizing the delinquent (C.O.D.) list processes set forth in these proposals by virtue of same having been implemented administratively by the Members of the Authority via establishment of the Online Delinquent Management System as well as via SLA Advisory #2011-1 which first codified email delinquency notification procedures. Due to the above, there will be no added costs to the Authority, to local governments or industry members as a result of the implementation of the proposed rule amendments.

Local government mandates:

None. Local governments play no role in maintaining the delinquent (C.O.D) list of alcoholic beverage retailers.

Paperwork:

The proposed rule amendments impose no new paperwork requirements on industry members or Authority staff since all parties are already utilizing the delinquent (C.O.D.) list processes set forth in these proposals by virtue of same having been implemented administratively by the Members of the Authority via establishment of the Online Delinquent Management

System as well as via SLA Advisory #2011-1 which first codified email delinquency notification procedures.

Duplication:

The Tobacco, Tax and Trade Bureau of the United States Department of the Treasury states that wholesale dealers may file their records of receipt and disposition in accordance with the wholesaler's regular accounting and recordkeeping systems. The Authority requires that these records be kept in accordance with the Authority's rules and regulations including what specific information must be included on manufacturer and wholesaler invoices to licensee retailers. There is, however, no federal equivalent of the delinquent (C.O.D.) list or the Online Delinquent Management System.

Alternatives/Federal standards:

The Authority is required by operation of ABCL §§ 101-aa and 101-aaa, for maintaining the delinquent (C.O.D.) list. The modernized Online Delinquent Management System and the email notification procedures first set forth in SLA Advisory #2011-1 are hereby proposed as modern e-commerce alternatives to the archaic publication and delivery of hardcopy delinquent lists to all manufacturers and wholesalers as required by operation of ABCL §§ 101-aa and 101-aaa.

Compliance schedule:

The period of time the industry will require to enable compliance is likely to be negligible as the industry has already been utilizing both the Online Delinquent Management System as well as the email delinquency notification procedures set forth in SLA Advisory 2011-1 virtually without incident for several years. As a result there are no actual policy changes being introduced via these rule proposals and the Authority expects to be compliant immediately upon adoption.

Regulatory Flexibility Analysis

The proposed amendments to Parts 68.2, 68.4, 68.6, 68.7, 68.9, 68.11, and 68.12 as well as the repeal of Parts 68.3, 68.8 and 68.10 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would make it clear that individual alcoholic beverage purchase invoices from manufacturers and wholesalers to retailers must be used to calculate credit periods for retailer payments and monitor compliance therewith in accordance with ABCL §§ 101-aa and 101-aaa; make it clear that manufacturers and wholesalers must use the Authority's Online Delinquent Management System for reporting delinquent retailers; make it clear that any manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow retail licensees to optionally receive delinquent payment notices and other information via electronic mail; and require wholesalers to maintain records by which the Authority can track compliance for a period of two years. Since the entire industry has been operating in this manner since 2011 when the Authority adopted Advisory #2011-1, the amendments, by their very nature, would not impose an adverse economic impact on small businesses or local governments, and would not impose reporting, record keeping or other compliance requirements on small businesses or local governments. Because it is evident from the nature of the proposed amendments that they will have no adverse impact on small businesses or local governments, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a full regulatory flexibility analysis for small businesses and local governments is not required for any of the proposed amendments and none has been prepared.

Rural Area Flexibility Analysis

The proposed amendments to Parts 68.2, 68.4, 68.6, 68.7, 68.9, 68.11, and 68.12 as well as the repeal of Parts 68.3, 68.8 and 68.10 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would make it clear that individual alcoholic beverage purchase invoices from manufacturers and wholesalers to retailers must be used to calculate credit periods for retailer payments and monitor compliance therewith in accordance with ABCL §§ 101-aa and 101-aaa; make it clear that manufacturers and wholesalers must use the Authority's Online Delinquent Management System for reporting delinquent retailers; make it clear that any manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow retail licensees to optionally receive delinquent payment notices and other information via electronic mail; and require wholesalers to maintain records by which the Authority can track compliance for a period of two years. Since the entire industry has been operating in this manner since 2011 when the Authority adopted Advisory #2011-1, the amendments, by their very nature, would not impose an adverse impact on facilities in rural areas, and would not impose reporting, record keeping or other compliance requirements on facilities in rural areas. Because it is evident from the nature of the proposed amendments that they will have no adverse impact on rural areas, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a full rural area flexibility analysis is not required for any of the proposed amendments and none has been prepared.

Job Impact Statement

The proposed amendments to Parts 68.2, 68.4, 68.6, 68.7, 68.9, 68.11, and 68.12 as well as the repeal of Parts 68.3, 68.8 and 68.10 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would make it clear that individual alcoholic beverage purchase invoices from manufacturers and wholesalers to retailers must be used to calculate credit periods for retailer payments and monitor compliance therewith in accordance with ABCL §§ 101-aa and 101-aaa; make it clear that manufacturers and wholesalers must use the Authority's Online Delinquent Management System for reporting delinquent retailers; make it clear that any manufacturer or wholesaler that sells alcoholic beverages to retail licensees may allow retail licensees to optionally receive delinquent payment notices and other information via electronic mail; and require wholesalers to maintain records by which the Authority can track compliance for a period of two years. As a result, the proposed amendments will not have an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the proposed amendments that they will have no impact on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a job impact statement is not required for any of the proposed amendments and none has been prepared.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-28-18-00013-A

Filing Date: 2018-12-19

Effective Date: 2018-12-19

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

Action taken: On 12/13/18, the PSC adopted an order approving Woolworth 100 Owner LLC's (Woolworth 100) notice of intent to submeter electricity at 2 Park Place, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Woolworth 100's notice of intent to submeter electricity.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving Woolworth 100 Owner LLC's notice of intent to submeter electricity at 2 Park Place, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(18-E-0328SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-18-00010-A

Filing Date: 2018-12-19

Effective Date: 2018-12-19

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

Action taken: On 12/13/18, the PSC adopted an order approving Tower 195 LLC's (Tower 195) notice of intent to submeter electricity at One South Clinton Avenue, Rochester, 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: Submetering of electricity.

Purpose: To approve Tower 195's notice of intent to submeter electricity.

Substance of final rule: The Commission, on December 13, 2018, adopted an order approving Tower 195 LLC's notice of intent to submeter electricity at 1 South Clinton Avenue, Rochester, New York, located in the service territory of Rochester Gas and Electric Corporation, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(18-E-0258SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

2018 Electric Emergency Response Plans for Electric Utilities

I.D. No. PSC-02-19-00009-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 the 2018 Electric Emergency Response Plans filed by six combination electric utilities in December 2018.

Statutory authority: Public Service Law, sections 5(1)(b), 66(21)(a) and (b)

Subject: 2018 Electric Emergency Response Plans for electric utilities.

Purpose: To consider the adequacy of the 2018 Electric Emergency Response Plans.

Substance of proposed rule: The Public Service Commission (Commission) is considering the 2018 Electric Emergency Response Plans filed by Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric and Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation.

Section 66(21) of the Public Service Law (PSL) requires each electric utility subject to the provisions of PSL 25-a to file its emergency plan on or before December 15th of each year for Commission review and approval. PSL § 66(21)(a) and 16 NYCRR Part 105 specify the content and information that electric utilities must include in their respective emergency plans. The emergency plans must identify personnel responsible for managing company operations during an emergency and communicating with customers, government agencies, and the media. The emergency plans must also provide for additional communication to customers who use life support equipment (LSE customers) and customers that provide critical services. Emergency plans must also include procedures to deploy company and mutual assistance crews to work assignment areas, identify and obtain additional supplies and equipment during an emergency event, identify appropriate safety precautions to promptly respond to electrical hazards and downed wires, and to drill, or practice, the use of the emergency response plans.

The full text of the Emergency Response Plans and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(18-E-0717SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities to the Village of Newark

I.D. No. PSC-02-19-00010-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric & Gas Corporation for the transfer of its Street Lighting Facilities located in the Village of Newark with an original value over $100,000 to the Village of Newark.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street lighting facilities to the Village of Newark.

Purpose: To consider whether the transfer of certain street lighting facilities to the Village of Newark is in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on December 6, 2018, requesting approval to transfer ownership of its system of street lighting poles, luminaires, lamps, mast arms, electrical connections, and wiring for street lighting installed through the Village of Newark (Village) limits to the Village.

Based on plant records, NYSEG represents that the original book cost of the facilities is approximately $326,425 and that the net book value, as of April 30, 2018, is $68,335. The Company proposes to transfer the street lighting facilities to the Village for $146,157. Upon the closing date of the sale, the Village will become solely responsible and liable for the operation, maintenance, and condition of the street lighting facilities.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(18-E-0737SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-02-19-00011-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 the notice of intent of Victor Nomad LLC to submeter electricity at 227 Fifth Avenue, New York, New York.

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

Subject: Notice of intent to submeter electricity.

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by Victor Nomad LLC on December 13, 2018, to submeter electricity at 277 Fifth Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, Victor Nomad LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(18-E-0763SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Unspent Settlement Funds to be Used for Future Gas Safety Programs

I.D. No. PSC-02-19-00012-P

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

Proposed Action: The Commission is considering a petition filed by National Fuel Gas Distribution Corporation to utilize remaining settlement funds from the Joint Proposal Regarding Negative Revenue Adjustments and Modifying Joint Proposal.

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

Subject: Unspent settlement funds to be used for future gas safety programs.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a petition filed by National Fuel Gas Distribution Corporation (National Fuel or the Company), on December 10, 2018, to utilize approximately $400,000 in remaining settlement funds from the Joint Proposal Regarding Negative Revenue Adjustments and Modifying Joint Proposal (NRA Joint Proposal) to advance public safety and gas system integrity.

The NRA Joint Proposal was subsequently adopted by the Commission by a May 17, 2018 Order Resolving Disputes Regarding Gas Safety Performance Mechanism and Approving Uses of Funds.

National Fuel proposes to use the remaining settlement funds in two ways:

(1) to equip and train first responders in connection with natural gas emergencies, which includes the purchase of devices to detect the presence of gas accumulating in buildings and blowers to vent buildings; and, (2) install additional over-pressure protection monitoring and control equipment to exceed the already met regulatory requirements to further reduce the possibility of over-pressurization of the Company's low-pressure system. This includes installation of full-capacity relief valves, the elimination or protection from damage of underground sensing lines, and telemetric pressure sensors to quickly identify malfunctioning pressure regulating equipment and over pressure events. The Company asserts that the proposed use of the remaining settlement funds is consistent with the terms of the NRA Joint Proposal to reserve all remaining funds for future gas safety programs.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(13-G-0136SP8)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Capacity Release Program

I.D. No. PSC-02-19-00013-P

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

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid to modify its gas tariff schedule, P.S.C. No. 219, regarding its Capacity Release Program under Service Classification (SC) No. 11 — Load Aggregation.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Capacity Release Program.

Purpose: To ensure safe and reliable service for customers at just and reasonable rates.

Substance of proposed rule: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) on December 6, 2018, to amend its gas tariff schedule, P.S.C. No. 219.

The Company proposes to modify its Capacity Release Program adopted by the Commission in its Order Adopting the Terms of Joint Proposal and Establishing Electric and Rate Plans, issued March 15, 2018, in Cases 17-E-0238 and 17-G-0239. National Grid proposes to further amend its Capacity Release Program under Service Classification (SC) No. 11 – Load Aggregation to: (1) modify the definition "Gas Supply Service" to "General Storage Service" to read DTI's [Dominion Energy Transmission, Inc.] rate schedule governing the storage of gas; (2) remove the reference to DTI under Limitation of Availability referencing how the Company will assign capacity; (3) add a description of the minimum delivery requirements for its Capacity Release Program which includes a proposal for a penalty charge due to non-compliance; (4) modify Allocation of Upstream Capacity to state that marketers must accept all capacity release or assignments; (5) modify the description of Release of Capacity to state that all releases will occur in each month of the year and will be subject to recall, and that DTI, Tennessee Gas Pipeline, Iroquois Gas Transmission System, Union and TransCanada capacity will be allocated to monthly balancing service customers equal to percentages of their Maximum Peak Day Quantity, provided the customer has a positive thermal response; (6) modify the description for Release of Storage Transportation to state that the amount of Firm Transportation No Notice Gas Storage Service transportation capacity to be released on behalf of a given customer will equal the percentage set forth on the Statement of Balancing Charges, updated each November 1, multiplied by their Maximum Peak Day Quantity provided the customer has a positive thermal response; (7) modify Storage Transfer for Customers to state that if the storage capacity release percentage set forth on the Statement of Balancing Charges increases from October to November, the rules will also apply to incremental storage capacity released; (8) state under Calculation of the Demand Transfer Recovery Rate that all demand changes will be included in the calculation; (9) state under Customers Returning to Sales Services that if the storage capacity release percentage set forth on the Statement of Balancing Charges decrease from October to November, these rules will also apply to the amount of storage capacity returned to the Company; (10) include references and a description of minimum delivery requirements along with penalty charges for non-compliance for other pipelines in the Company's portfolio, specifically, the Tennessee Gas Pipeline and

Iroquois Gas Transmission System; and (11) establish a new Statement of Demand Transfer Recovery Rate applicable to SC No. 11 – Load Aggregation. The proposed amendments have an effective date of May 1, 2019.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(18-G-0738SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition for Use of Electric Metering Equipment

I.D. No. PSC-02-19-00014-P

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

Proposed Action: The Commission is considering a petition filed by Itron Inc. for use of the Itron OpenWay Riva CENTRON C2SRD and CN2SRD Version 4.1 meters in electric metering applications.

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

Subject: Petition for use of electric metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Itron Inc., on November 23, 2018, seeking approval for use of the Itron OpenWay Riva CENTRON models C2SRD and CN2SRD Version 4.1 electric meters.

New York State Electric & Gas Corporation states its intent to use these meters upon approval, in electric metering applications. New types of electric meters and accessories must be approved by the Commission in accordance with the Commission's regulations at 16 NYCRR Part 92.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may approve, modify or reject, in whole or in part, the action proposed and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(18-E-0724SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Limited Waiver of Remote Net Metering Rule

I.D. No. PSC-02-19-00015-P

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

Proposed Action: The Commission is considering a petition filed by National Grid seeking a limited waiver from the remote net metering requirement that the generator meter and the consumption meter are in the same load zone.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5) and 66-j

Subject: Limited waiver of remote net metering rule.

Purpose: To address issues related to certain developers/customers with two sites in different load zones.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid on August 28, 2018, seeking a limited waiver of the restriction that prohibits excess net metering credits at the host account to be applied to satellite accounts located in a different load zone within National Grid's service territory for ten projects enumerated in the petition.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may approve, modify or reject, in whole or in part, the action proposed, and may resolve 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: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, 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: 60 days after publication of this notice.

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

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

(11-E-0321SP3)

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Reengagement/Conciliation and Sanction Procedures for Employment Programs

I.D. No. TDA-12-18-00004-A

Filing No. 1183

Filing Date: 2018-12-20

Effective Date: 2019-01-15

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

Action taken: Amendment of sections 385.11 and 385.13 of Title 18 NYCRR.

Statutory authority: 51 United States Code title 7, sections 2011, 2013, 2029 (generally), 42 United States Code, section 607; Social Services Law, art. 5, title 9-B, sections 17(a)-(b), (j), 20(3)(d), 95, 131, 337, 341, 341-a, 342 and 342-a; L. 2015, ch. 562; L. 2012, ch. 41

Subject: Reengagement/conciliation and sanction procedures for employment programs.

Purpose: To implement statutory changes relative to PA reengagement/conciliation and sanction procedures for PA recipients living in a city with

one million or more people and refusing or failing to comply with employment requirements assigned by the social services district; to establish a consistent standard for imposing a PA and SNAP employment sanction; to reduce the minimum durational SNAP sanction period for first- and second-level SNAP employment sanctions for SNAP applicants and recipients; and to implement changes to SNAP voluntary quit consistent with State and federal laws, regulations, and policies.

Text of final rule: The Office of Temporary and Disability Assistance (OTDA) amends to 18 NYCRR §§ 385.11-385.13 relative to the reengagement/conciliation and sanction procedures for noncompliance with public assistance and/or Supplemental Nutrition Assistance Program (SNAP) work requirements. The full text of the rule is posted at http://otda.ny.gov/legal/regulatory-activities.asp

§ 385.11 Conciliation.

• Amend subdivision (a) of § 385.11 to clarify that conciliation procedures and notice requirements in this subdivision apply to individuals not living in a city with a population of one million or more people.

• Paragraph (1) of subdivision (a) of § 385.11 is amended to: remove "non-exempt"; clarify that the provision also applies to individuals who are subject to, but refuse to comply with work requirements; and update references to assessment requirements described in 18 NYCRR §§ 385.6–385.7.

• Subparagraphs (ii)-(iii) of paragraph (2) of subdivision (a) of § 385.11 are re-numbered as subparagraphs (iii) and (vi), respectively; new subparagraphs (ii), (iv), and (v) are added describing information required in the conciliation notice issued to public assistance (PA) recipients residing outside of a city with a population of one million or more people and refusing or failing to comply with employment requirements assigned by social services district (district), including information regarding specific instance(s) of willful refusal or failure to comply without good cause, providing examples of good cause and acceptable forms of evidence and information regarding necessary actions to be taken to avoid a pro rata reduction in benefits. Renumbered subparagraph (vi) is amended clarifying that the timeframe for requesting conciliation is 10 calendar days from date of conciliation notice for all Family Assistance (FA) households and 7 calendar days from the date of the conciliation notice for Safety Net Assistance (SN) households, and updating the reference from "seven" calendar days to "7" calendar days.

• Subparagraphs (ii)-(iv) of paragraph (3) of subdivision (a) of § 385.11 are re-numbered identifying information required in the notice informing household of an employment sanction, including information identifying specific instances of willful refusal and failure to comply without good cause with work requirements and indicating necessary actions to avoid a pro rata reduction in PA benefits, consistent with Social Services Law (SSL) § 341.

• Paragraph (4) of subdivision (a) of § 385.11 is amended making clarifying revisions.

• Paragraph (5) of subdivision (a) of § 385.11 is amended clarifying that conciliation periods for SN and FA applicants/recipients are measured in calendar days and adding the word "assistance" to "safety net".

• Subdivisions (b)–(c) of § 385.11 are relettered as subdivisions (c)–(d) and new subdivision (b) is added outlining reengagement/conciliation procedures and notice requirements applying to PA recipients living in a city with a population of one million or more people consistent with SSL § 341-a.

§ 385.12 Failure to comply with the requirements of this Part.

• Subparagraph (i) of paragraph (1) of subdivision (a) of § 385.12 is amended replacing "disabled" with "incapacitated due to a physical and/or mental health condition", replacing "be restored to self-sufficiency" with "improve his/her ability to work", adding "suitable medical care … and/or treatment" consistent with SSL § 131, and adding "willfully and without good cause" to clarify the requirements for determining that a potentially employable applicant is ineligible for PA because he/she refuses or fails to comply with reasonable medical care, rehabilitation or treatment that a medical professional determined is necessary to improve the individual's ability to work.

• Subparagraph (ii) of paragraph (1) of subdivision (a) of § 385.12 is amended replacing "disabled" with "incapacitated due to a physical and/or mental health condition", replacing "be restored to self-sufficiency" with "improve his/her ability to work", adding "suitable medical care … and/or treatment" consistent with SSL § 131, and adding "willfully and without good cause refuses or fails to comply with the requirements for the potentially employable recipient pursuant to section 385.2 of this Part" to clarify the requirements for determining that a potentially employable recipient is ineligible for PA because he/she refuses or fails to comply with reasonable medical care, rehabilitation or treatment that a medical professional determined is necessary to improve the individual's ability to work.

• Paragraph (2) of subdivision (a) of § 385.12 is amended to update cross-references to § 385.11.

• Subparagraphs (i) and (ii) of paragraph (2) of subdivision (a) of § 385.12 are amended to clarify that noncompliance with applicant work requirements other than applicant assessment, applicant job search and applicant voluntary job quit are subject to a "willfully and without good cause" standard and clarifying that an individual living in a city with a population of one million or more people must not have reengaged in work requirements as assigned by the district for minimum of 5 business days, but not more than 10 business days, before issuing the sanction notice.

• Subparagraph (iii) of paragraph (2) of subdivision (a) of § 385.12 is amended to describe the information required in notice issued informing household of employment sanction.

• Paragraph (3) of subdivision (a) of § 385.12 is to clarify that individual is not subject to sanction if he/she had good cause for refusing employment.

• Paragraph (1) of subdivision (b) of § 385.12 is amended clarifying that applicant failing to comply with SNAP work requirement, other than an applicant voluntary quit or reduction in work effort, will be denied SNAP benefits.

• Paragraphs (2), (4), and (7) of subdivision (b) of § 385.12 are amended replacing "without good cause," with "willfully and without good cause."

• Paragraph (5) of subdivision (b) of § 385.12 is amended replacing "disqualification" with "denial" for clarification.

• Paragraph (6) of subdivision (b) of § 385.12 is amended clarifying reference to "sanctionable".

• Paragraph (7) of subdivision (b) of § 385.12 is amended clarifying that the provision applies to individuals determined exempt from SNAP work requirements.

• The title of subdivision (c) of § 385.12 is amended to include "refusal or".

• Paragraph (1) of subdivision (c) of § 385.12 is amended replacing "without good cause," with "willfully and without good cause" and clarifying that childcare is needed for participation in district-assigned work activities.

• Paragraph (2) of subdivision (c) of § 385.12 is renumbered as paragraph (3) and new paragraph (2) is added clarifying that finding of "willful and without good cause" for an individual living in a city with a population of one million or more people cannot be based on refusal or failure to comply with a single appointment or work requirement.

• Renumbered paragraph (3) of subdivision (c) of § 385.12 is amended adding "an alleged exemption from work requirements, pursuant to section 385.2 of this Part."

• Subdivision (d) of § 385.12 is amended replacing references to "without good cause" with "willfully and without good cause" and updating references to assessment requirements in § § 385.6–385.7. The subdivision is revised to add the word "who" for clarification.

• Paragraphs (1)–(3) of subdivision (d) of § 385.12 are amended differentiating sanction procedures for individuals living in a city with a population of one million or more people from those applicable to individuals not residing in a city with a population with one million or more people, and clarifying "willing to comply" relative to the number of business days required by the district, not to exceed 10 business days.

• Paragraph (4) of subdivision (d) of § 385.12 renumbered as paragraph (5) and a new paragraph (4) is added establishing that an individual who lives in a city with a population of one million or more people is subject to PA sanction until individual reengages in work activities for minimum of five business days, but no more than 10 business days, or cooperates with efforts to document exemption from work requirements.

• Renumbered paragraph (5) of subdivision (d) of § 385.12 is amended differentiating requirement to issue reminder notice to Safety Net Assistance households without dependent children who reside outside of a city with a population of one million or more people.

• New paragraph (6) of subdivision (d) of § 385.12 is added establishing requirement to issue reminder notice to PA households living in a city with a population of one million or more people and including individual who has been sanctioned for 30 or more days.

• Paragraph (1) of subdivision (e) of § 385.12 is amended clarifying that SNAP applicant who voluntarily quits employment or reduces work effort without good cause is subject to SNAP sanction.

• Paragraph (2) of subdivision (e) of § 385.12 is amended including "willfully and without good cause" standard and reducing minimum durational SNAP sanction periods for first- and second-level SNAP employment sanctions for non-compliance with SNAP requirements.

• Paragraph (3) of subdivision (e) of § 385.12 is revised to include a technical update to a cross-reference.

§ 385.13 Voluntary termination of employment and voluntary reduction of earning capacity (voluntary quit).

• Section 385.13 is amended replacing "Food Stamps" with "Supplemental Nutrition Assistance Program (SNAP)."

• Paragraph (1) of subdivision (b) of § 385.13 is amended clarifying voluntary quit or reduction in work effort provisions consistent with federal requirements.

• Paragraphs (2) and (3)–(13) are renumbered as paragraphs (4) and (7)–(17), respectively, and new paragraphs (2)–(3) and (5)–(6) are added to subdivision (b) of § 385.13.

• New paragraph (2) is added to subdivision (b) of § 385.13 identifying elements used to determine when reduction in work effort may be subject to SNAP sanction consistent with federal regulations.

• New paragraph (3) is added to subdivision (b) of § 385.13 clarifying that minor variations in an individual's work hours or weekly minimum wage equivalent wages must be considered when assessing recipient's compliance with work rules.

• New paragraph (5) is added to subdivision (b) of § 385.13 identifying timeframe used when determining whether voluntary quit or reduction in work effort without good cause by an applicant household is subject to SNAP sanction.

• New paragraph (6) is added to subdivision (b) of § 385.13 clarifying that loss or reduction in income after a SNAP household has applied for SNAP benefits must be evaluated to determine whether voluntary quit or reduction in work effort has occurred.

• Renumbered paragraph (7) of subdivision (b) of § 385.13 is amended clarifying that disqualification period begins on date of application for SNAP benefits and listing durational SNAP periods applying when SNAP applicant has been determined to have voluntarily quit a job or reduced work effort and is subject to SNAP sanction.

• Renumbered paragraph (8) of subdivision (b) of § 385.13 is amended removing "without good cause" and adding "willful and without good cause" to a recipient voluntary quit or "reduction in work effort" determination.

• Renumbered paragraph (9) of subdivision (b) of § 385.13 is amended making a technical correction.

• Renumbered paragraph (10) of subdivision (b) of § 385.13 is amended clarifying that persons who, at the time they terminated employment were exempt from SNAP employment requirements, are not subject to voluntary quit provisions.

• Clause (f) of subparagraph (i) of renumbered paragraph (14) of subdivision (b) of § 385.13 is amended updating standards used to determine a bona fide job offer for SNAP purposes.

• Clause (h) of subparagraph (i) of renumbered paragraph (14) of subdivision (b) of § 385.13 is amended updating cross-reference from paragraph "11" to paragraph "15" of the subdivision.

• Subparagraph (vi) of renumbered paragraph (16) of subdivision (b) of § 385.13 is amended deleting "have reached age 6 but".

• Clauses (a)–(b) of subparagraph (i) of renumbered paragraph (17) of subdivision (b) of § 385.13 are relettered as clauses (b)–(c), respectively, and new clause (a) is added clarifying that individual can end SNAP sanction following minimum durational sanction period by complying with employment requirements assigned by the district.

• Relettered clause (c) of subparagraph (i) of renumbered paragraph (17) of subdivision (b) of § 385.13 is amended replacing "work registration requirements" is replaced with "SNAP work requirements."

• Subparagraph (ii) of renumbered paragraph (17) of subdivision (b) of § 385.13 is amended clarifying that ending voluntary quit or reduction in hours of paid work disqualification includes individuals that become exempt from participation in work activities for any reason consistent with exemptions in § 385.3 of this Part.

• Clause (iii) of subparagraph (c) of renumbered paragraph (17) of subdivision (b) of § 385.13 is added clarifying that the district must use the same application filed in the final month of the sanction period for certification purposes in future months, if all other eligibility criteria are met.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 385.11(a)(2)(vi), (5), 385.12(d) and (e)(3).

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required for the regulatory amendments because nonsubstantive changes were made to 18 NYCRR §§ 385.11(a)(2)(vi), 385.11(a)(5), and 385.12(d) and (e)(3) that do not materially alter the purpose, meaning or effect of the regulatory amendments.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Temporary and Disability Assistance (OTDA) received comments relative to the proposed regulatory amendments to 18 NYCRR §§ 385.11–385.13. These comments have been reviewed and duly considered in this Assessment of Public Comments.

Comments suggest that OTDA remove language providing for "a minimum of five business days" for reengagement in work activities/requirements from the proposed regulatory amendments to §§ 385.11(b)(2)(vi), 385.11(b)(4)(i)–(ii), 385.12(a)(2)(ii), 385.12(a)(iii)(f) and 385.12(d)(4). Comments assert that: (1) this language impermissibly conflicts with Chapter 562 of the Laws of 2015 and Social Services Law (SSL) § 341-a(5) and contravenes the legislative intent of this chapter law, namely, to encourage and promote reengagement among participants; (2) the proposed regulatory amendments would establish different time periods within which to demonstrate compliance with work requirements between New York City (NYC) and the rest of the State, and that the reasons for this difference are not adequately explained in OTDA's Regulatory Impact Statement; (3) the proposed regulatory amendments are unclear as to the date a participant's public assistance benefits would be restored upon resolution of a sanction through compliance with his/her assigned reengagement work activities; and (4) successful implementation of the proposed five-business day requirement would require significant systems changes that could not be achieved for several months.

OTDA Responses:

(1) OTDA disagrees with this comment. Pursuant to Social Services Law (SSL) § § 17(a)-(b) and (j) (Powers and duties of the commissioner), 20(3)(d) (Powers and duties of the department), 131 (5) (Assistance, care and services to be given), 341-a (Re-engagement; conciliation; refusal to participate) and 342-a (Noncompliance with the requirements of this title), OTDA is authorized to determine a demonstrated compliance period, and is best situated within such authority to define the meanings of "agreeing to comply" and "willing to comply" insofar as those phrases are not specifically defined in statute. With respect to SSL § 342, OTDA has already promulgated regulations requiring a form of demonstrated compliance at § 385.12 (d)(3) where it defined "willing to comply" as meaning that "an individual, as required by the district, reports to and participates in an assigned work activity site or other location … on time and prepared to engage in the assigned activity." Current OTDA policy permits social services districts (districts) to elect a demonstrated compliance period of up to 10 business days. This comment, therefore, appears to be more concerned not with the requirement that an individual "demonstrate compliance" by reporting to and actively participating in an assigned work activity, but rather, that such participation is not considered meaningful unless it occurs for some minimal duration – i.e., at least five business days. Given that the statute no longer contains any durational sanction periods in NYC, it is essential that an individual affirmatively and meaningfully demonstrate compliance before he/she can be considered to have fulfilled his/her agreement to comply. Absent a minimal period of compliance, individuals could become involved in an ongoing cycle of merely agreeing to comply without there being any incentive to meaningfully participate. Finally, the requirement that such period be no less than 5, but no more than 10 business days is consistent with workplace expectations and aligns with an average worker's pay cycle. The five-business day period is reasonable and benefits would be restored retroactive to the first day the individual agreed to comply.

(2) OTDA disagrees with this comment. The statute has created significantly different sanction policies for NYC and the rest of the state. Therefore, the regulations for NYC, including the minimum time required for one to demonstrate compliance, differ. Traditionally, OTDA's policy has permitted districts to elect a demonstrated compliance period of up to 10 business days when durational sanction periods were statewide. The elimination of a durational sanction period for residents of NYC presents a need to establish a demonstrated compliance period of at least 5 business days, but no more than 10 business days, is appropriate for NYC while continuing to authorize districts outside NYC to make their own district-specific decisions with respect to demonstrated compliance.

(3) OTDA disagrees with this comment. OTDA Administrative Directive (ADM) 09-ADM-20 (Employment Sanctions and the Redetermination of Benefits) at page 3 clearly states that "Temporary Assistance [TA] benefits must be restored to the household upon the completion of the minimum sanction duration period and upon the individual demonstrating a willingness to comply with employment requirements consistent with the district's demonstrated compliance procedures …" (emphasis in original). 09-ADM-20 further provides that "Once the individual has demonstrated compliance consistent with the district's requirements, [TA] benefits are restored retroactive to the date the individual indicated a willingness to comply (but no earlier than the expiration of the minimum duration period) …" (id.). Since there is no longer a minimum sanction period in NYC, the benefits would be restored back to the date he/she indicated the willingness to comply. OTDA is also issuing further policy guidance through an additional ADM that will include information regarding the restoration of benefits once an individual has demonstrated compliance, retroactively to the date the individual indicated a willingness to comply.

(4) OTDA is presently engaged in ongoing discussions with commenters pertaining to the implementation of the regulatory amendments and will continue to work with all impacted parties to address systems-related issues and develop a reasonable timeframe for the regulatory amendments.

Comments suggest that OTDA forego amending the regulatory definition of "willing to comply" as currently set forth in § 385.12(d)(3).

OTDA Response:

OTDA disagrees with this comment. "Agreeing to comply" and "willing to comply" are not specifically defined in statute (see, e.g., SSL § 342). As previously stated above, OTDA is best qualified pursuant to its authority under SSL §§ 17(a)-(b) and (j), 20(3)(d) 131 (5), 341-a and 342-a to define "agreeing to comply" and "willing to comply."

One comment suggests that the proposed regulatory amendments to §§ 385.11(b)(2)(v) and 385.11(b)(3) be revised to include language requiring the district to consider whether the participant is exempt from work requirements before the reengagement/conciliation process begins and to include language clarifying that the burden for determining whether a participant is so exempt falls upon the district, based upon information in its possession, rather than upon information provided by a participant.

OTDA Response:

OTDA disagrees with this comment. The district must conduct a review of an individual's case prior to issuing a reengagement/conciliation notice. Prior to work activity assignment, the district would have determined the individual's exempt/non-exempt status. As written, the regulations provide that, prior to issuing a reengagement/conciliation notice (notice), the district has an obligation to review the case file to confirm that the district previously determined the individual non-exempt from a work assignment and that no evidence exists that the individual is now exempt. This is the only information available for the district to review prior to issuing the notice. If new or previously undisclosed limitations are raised, the individual is responsible for reporting this information to the district and providing relevant information. In the event the individual has information that has not been provided to the district, the reengagement/conciliation process affords the individual an opportunity to present this information.

One comment suggests that the proposed regulatory amendments to §§ 385.11(b)(2)(v), 385.11(b)(3)(iii), 385.11(b)(6), and 385.12(a)(2)(iii)(e) be revised to require the district to determine whether appropriate child care, transportation and accommodations for a disability reasonably known to the district "were in place" – instead of "were available" –at the time of a participant's refusal or failure to participate in work activities.

OTDA Response:

OTDA disagrees with this comment. The regulations, as drafted, require the district to determine, based on the information available in the individual's case record, that necessary supports, as reasonably known to the district to have been appropriate to the individual at the time an assignment to an activity was made, were made available to the individual. Prior to issuance of the notice, the district can only determine whether such necessary supports were, in fact, made available to the individual by reviewing the case record to verify that: authorization for, referral to and/or information regarding available child care and transportation services had been provided to the individual; that the necessary accommodations for a known disability were available to the individual upon assignment. If, in the interim, new supports are needed by the individual as had not been previously known to the district, or if there should develop a problem with the availability or appropriateness of a support previously made available by the district as was not previously known to the district, the responsibility lies with the individual to indicate to the district and to provide documentation to explain same. In the event the individual has information that has not been provided to the district, the reengagement/conciliation process affords the individual an opportunity to present this information.

One comment suggests that the proposed regulatory amendments to §§ 385.11(b)(2)(vi), 385.11(b)(3), 385.12(a)(2)(ii), 385.12(a)(2)(iii)(f), and 385.12(d)(4) be revised to clarify that any reengagement on the part of a participant be in a work activity that is "consistent with any medical condition which may limit the [individual's] ability to participate in work activities."

OTDA Response:

OTDA disagrees with this comment, as necessary safeguards are already in place. If new or previously undisclosed limitations are raised during the reengagement/conciliation process, it is the individual's responsibility to indicate same to the district and to provide documentation to support any medical condition which would limit or prevent his/her ability to participate. Pursuant to 18 NYCRR § 385.2(d)(13)(ii), districts shall assign an individual who is work limited to work activities only if the assignment is consistent with the treatment plan when such plan is prescribed by the individual's practitioner and/or the district's practitioner. In cases where no treatment plan exists, the assignment must be consistent with the individual's mental and physical limitations, and determined to be appropriate by the social services official who is satisfied that such individual is able to perform the work assigned and that such assignment will assist the individual's transition to self-sufficiency.

OTDA is issuing policy guidance through an ADM that will instruct districts to provide necessary supportive services or accommodation and to reengage the individual in work activities consistent with the individual's employment assessment and any documented work limitations.

One comment suggests that the proposed regulatory amendments to § 385.12(a)(1)(i)–(ii), relative to potentially employable public assistance applicants and recipients, be revised to strike the proposed language "improve his or her ability to work" in favor of maintaining the current regulatory language, "be restored to self-sufficiency."

OTDA Response:

OTDA disagrees with this comment. As § 385.12(a)(1) addresses potentially employable applicants and recipients – and specifically relates to an individual's ability to work – the intent of these regulatory amendments is to clarify the meanings of "disabled" and "be restored to self-sufficiency" and to expand the meaning of "rehabilitation." As drafted, the regulatory amendments state that a district may require an individual exempt from work requirements who is incapacitated due to a "physical and/or mental health condition" and has the potential to "improve his/her ability to work," to participate in "suitable medical care" "and/or treatment" (in addition to rehabilitation). OTDA contends that the regulatory amendments, as drafted, neither preclude a district from complying with those provisions under the federal Americans with Disabilities Act (ADA) designed to protect qualified individuals with disabilities from discrimination on the basis of disability, nor from adhering to appropriate disability determination procedures consistent with 18 NYCRR § 385.2; consequently, the regulatory amendments conflict with neither. Furthermore, the regulatory amendments are consistent with SSL § 131(7). SSL § 131(7)(a) includes, among the care, treatment and services mandated to be provided by social services officials to those unable to maintain themselves, "medical care, instruction and work training to restore health, aptitudes and capabilities or develop new aptitudes and skills for the purpose of preparing individuals for gainful employment." SSL § 131(7)(b) provides:

A public welfare official responsible for the assistance and care of a person who, in the judgment of such official, is employable or potentially employable, may require such person to receive suitable medical care and/or undergo suitable instruction and/or work training. Any such person who willfully refuses to accept such medical care, refuses or fails to report for or cooperate in a program of instruction and/or work training as required by the public welfare official, shall be ineligible to receive public assistance and care. However, the requirements of this provision relating to instruction and work training shall not apply in the case of a person who is not available for employment by reason of age, health or other disability (emphasis supplied).

One comment suggests that the proposed regulatory amendments to § 385.12(a)(1)(i)–(ii) also be revised to include language clarifying that any mandatory requirement relative to medical care, rehabilitation, and/or treatment of a participant "must be consistent with any medical condition which may limit the [individual's] ability to participate in work activities and must be consistent with disability protections under State and Federal law."

OTDA Response:

OTDA disagrees with this comment. Pursuant to § 385.2, districts may only require individuals to participate in work activities consistent with the individual's mental and physical limitations, thereby rendering a revision to the regulatory amendments unnecessary.

One comment suggests that New York State move to a voluntary Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program "and focus its resources on highly motivated volunteers", or, alternatively, adopt a regulation authorizing districts to do so.

OTDA Response:

This comment is beyond the scope of the regulatory amendments. The proposed regulatory changes reduce existing SNAP E&T sanction periods to the minimum permitted by federal regulations. OTDA believes SNAP households are best served by participation in activities to secure employment. Additionally, the SNAP E&T program provides critical federal funds to support employment services for households not eligible for federal Temporary Assistance for Needy Families (TANF)-funded employment services.

One comment suggests making a technical revision to § 385.12(d) to read "An applicant for or recipient of public assistance who willfully and without good cause refuses or fails [without good cause] to comply with employment requirements assigned pursuant to this Part shall be ineligible to receive public assistance for the periods specified in this subdivision" (emphasis supplied).

OTDA Response:

OTDA agrees with this comment and has updated the regulatory text accordingly.

Several comments suggest that "willful" and/or "willfully" be added to the regulatory text relative to §§ 385.12(b)(1), (3) and (5), and 385.12(e)(1).

OTDA Response:

OTDA disagrees with these comments. OTDA asserts that inclusion of a "willful" standard for applicants in the referenced paragraphs would create a different standard than is currently applied for other types of eligibility-based acts of non-compliance.

Several comments suggest that "in a substantial manner" be added to the regulatory text relative to §§ 385.12(b)(1)-(4) and 385.12(e)(1)-(2)(i).

OTDA Response:

OTDA disagrees with these comments. OTDA asserts that there are no federal or State regulations requiring a "substantial" standard, and OTDA contends that, because the term "substantial" is undefined, vague and ambiguous, its inclusion in the regulatory amendments could potentially lead to inconsistency in their implementation.

One comment contends that the proposed regulatory amendments could give rise to a situation in which a sanctioned participant would be required to participate in a work activity for two full weeks in order to demonstrate a willingness to comply with work requirements, all the while incurring either a termination or reduction of public assistance. To address such situation, the comment suggests that OTDA revise the proposed regulatory amendments to provide authorization to districts, at their discretion, to establish a reengagement process.

OTDA Response:

OTDA disagrees with this comment. Individuals who participate in demonstrated compliance to end their sanction would receive from the district supportive services such as car fare and child care, as well as any other reasonable accommodations necessary to participate in their approved work activity. In a household with dependent children, once the sanctioned individual successfully completes the demonstrated compliance period, his/her portion of the TA benefits would be restored retroactive to the time the individual indicated a willingness to comply. Therefore, as long as the individual successfully complies with the district-approved work activity for the demonstrated compliance period, he/she would retroactively receive TA benefits for that timeframe. OTDA is issuing further policy guidance through an ADM which will include information regarding the restoration of benefits once an individual has demonstrated compliance, retroactively to the date the individual indicated a willingness to comply.

One comment suggests revising § 385.12(e)(4) to add language clarifying that when a SNAP durational sanction has ended, or a disqualified individual becomes exempt from SNAP E&T work requirements for reason other than participating in TANF work activities or unemployment insurance, the district should automatically add the formerly disqualified individual to the household, rather than require the household to affirmatively request the addition.

OTDA Response:

OTDA asserts that the regulatory amendments as drafted are consistent with federal and State regulations and that the suggested revision to the regulatory amendments is unnecessary.

One comment suggests that the proposed regulatory amendments be revised to extend § 385.12(c)(2) – which prevents a finding of "willful and without good cause" based upon a refusal or failure to comply with a single appointment or work requirement in NYC – to the rest of the State.

OTDA Response:

OTDA disagrees with this comment. There is no federal or State statutory or regulatory authority requiring that OTDA create a policy for districts outside of NYC that a failure of an individual to comply with a single appointment or work requirement does not equate to "willful and without good cause" noncompliance with public assistance work requirements. Districts outside of NYC remain bound by conciliation requirements and must consider all good cause reasons for noncompliance.

Although not subjects of public comments, OTDA also made nonsubstantive clarifying updates to §§ 385.11(a)(2)(vi), 385.11(a)(5), and 385.12(d) and a nonsubstantive technical update to a cross-reference in § 385.12(e)(3).

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-40-18-00021-EP	Shell eggs; acidified foods	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—January 14, 2019, 11:00 a.m.
Environmental Conservation, Department of		
ENV-02-19-00007-EP	Low emission vehicle greenhouse gas standards	Department of Environmental Conservation, 625 Broadway, Public Assembly Rm. 129 A/B, Albany, NY—March 11, 2019, 1:00 p.m.
Liquor Authority, State		
LQR-02-19-00006-P	Delinquent (C.O.D.) list procedures	317 Lenox Ave., New York, NY—April 17, 2019, 10:00 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
AGING, OFFICE FOR THE			
AGE-44-18-00005-P	10/31/19	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-34-18-00001-EP	10/25/19	Importation of cervids susceptible to Chronic Wasting Disease ("CWD").	To help control the spread of CWD into the State's cervid population.
AAM-40-18-00021-EP	01/14/20	Shell Eggs; Acidified Foods	To continue regulatory powers in connection with acidified foods and shell eggs used in foods for human consumption
AAM-41-18-00001-EP	10/10/19	Spotted Lanternfly ("SL")	To prevent SL-infested articles originating in or moving through areas in other states where SL is present from entering NYS
AAM-43-18-00002-P	10/24/19	Certification of Industrial Hemp Seed	To establish standards for certification of industrial hemp seed
AAM-49-18-00001-P	12/05/19	Licensing of malt operators and processors	To exempt malt operators and processors producing under a certain volume from licensing requirements and fees
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-12-18-00001-RP	03/21/19	Problem Gambling Treatment and Recovery Services	Repeals existing gambling regulation; replaces with substantially updated provisions
ASA-21-18-00025-RP	05/23/19	Credentialing of Addictions Professionals	Repeal obsolete rules; update process of credentialing addictions professionals
ASA-21-18-00026-P	05/23/19	Appeals, Hearings and Rulings	Protect patient confidentiality, update due process provisions, technical amendments.
ASA-51-18-00019-P	12/19/19	General provisions	Update provisions consistent with treatment developments; definitions; technical gender language

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-51-18-00020-P	12/19/19	Substance Use Disorder Withdrawal and Stabilization Services	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00021-P	12/19/19	Substance Use Disorder Residential Rehabilitation Services for Youth	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00022-P	12/19/19	Substance Use Disorder Inpatient Rehabilitation	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00023-P	12/19/19	Patient Rights	Update provisions consistent with treatment developments; definitions; technical gender language
ASA-51-18-00024-P	12/19/19	General Service Standards for Substance Use Disorder Outpatient Programs	Update provisions consistent with treatment developments; definitions; technical gender language
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-06-18-00002-P	02/07/19	Update provisions relating to Employer Reporting; Service Credit Determination for certain members; and Notice of Hearings	To update language necessitated by the modernization and redesign of the retirement system's benefit administration system
AAC-50-18-00001-P	12/12/19	Reporting of Miscellaneous Abandoned property	To update and clarify requirements relating to the reporting of miscellaneous abandoned property
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-51-18-00010-P	12/19/19	Residential and non-residential services to victims of domestic violence	To conform the existing regulations to comply with state and federal laws regarding services to victims of domestic violence
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-18-00012-P	03/21/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-12-18-00025-P	03/21/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-12-18-00030-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-12-18-00035-P	03/21/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-21-18-00022-P	05/23/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete a position from the non-competitive class
CVS-33-18-00007-P	08/15/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-18-00013-P	08/15/19	Jurisdictional Classification	To classify a subheading and a position in the non-competitive class
CVS-41-18-00011-P	10/10/19	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-46-18-00006-P	11/14/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-18-00007-P	11/14/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-18-00008-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-18-00009-P	11/14/19	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-46-18-00010-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-46-18-00011-P	11/14/19	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-46-18-00012-P	11/14/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-18-00002-P	12/19/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-18-00003-P	12/19/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-18-00004-P	12/19/19	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-51-18-00005-P	12/19/19	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-18-00006-P	12/19/19	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-18-00007-P	12/19/19	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-18-00008-P	12/19/19	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-18-00009-P	12/19/19	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-02-19-00001-P	01/09/20	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-02-19-00002-P	01/09/20	Jurisdictional Classification	To delete positions from and classify positions in the labor class
CVS-02-19-00003-P	01/09/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-02-19-00004-P	01/09/20	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-02-19-00005-P	01/09/20	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-18-00005-P	08/08/19	Case Record Management	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00006-P	08/08/19	Investigations and Reports	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00007-P	08/08/19	Probation Supervision	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00008-P	08/08/19	Graduated Sanctions and Violations of Probation, retitled to: Graduated Responses	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00009-P	08/08/19	Preliminary Procedure for Article 3 JD Intake, retitled to: Probation Services for Article 3 Juvenile Delinquency(JD)	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
CJS-32-18-00010-P	08/08/19	New Rule 359: Role of Probation in Youth Part of Superior Court	Update existing Rule to reflect services which will be performed by Probation departments as a result of Raise the Age law.
EDUCATION DEPARTMENT			
EDU-13-18-00027-P	03/28/19	Teacher Certification in Health Education	Creation of a Transitional K Certificate for Certain New York State Licensed Health Professionals to Teach Health Education
EDU-19-18-00006-ERP	05/09/19	The implementation of New York's approved ESSA plan to comply with the provisions of the Every Student Succeeds Act	To implement New York's approved ESSA plan and to comply with the provisions of the Every Student Succeeds Act
EDU-40-18-00007-P	10/03/19	Certificate progression pathway	Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience
EDU-40-18-00008-P	10/03/19	P-20 Principal Preparation Pilot Program	To establish the requirements for the P-20 Principal Preparation Pilot Program
EDU-40-18-00009-P	10/03/19	Students with Disabilities	To conform the Commissioner's regulations to Chapters 422, 428 and 429 of the Laws of 2017
EDU-40-18-00010-P	10/03/19	Professional development plans and other related requirements for school districts and BOCES	To improve the quality of teaching and learning for teachers and leaders for professional growth
EDU-40-18-00011-EP	10/03/19	School Breakfast Programs	To initiate, maintain, or expand school breakfast programs iand make technical amendments to conform to federal requirements
EDU-40-18-00012-EP	10/03/19	Prohibition against meal shaming	Requires certain schools to develop a plan to prohibit against meal shaming or treating pupils with unpaid meal fees differently
EDU-44-18-00006-P	10/31/19	Limited extensions and program requirements for certain career and technical education teachers	Creation of an extension for holders of the Career and Technical Education Certificate to Teach Grades 5 and 6

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-44-18-00007-P	10/31/19	Alternative pathways for certificate for certain teachers who hold Students with Disabilities certificate	Establishes limited extensions and statements of continued eligibility pathways for teachers who hold certain teaching certificates for Students with Disabilities in grades 7-12
EDU-47-18-00010-EP	11/21/19	English Language Learner Grade Span Waiver Requirement	To provide a one-year renewable waiver to expand the allowable grade span for ENL and BE classes to three contiguous grades
EDU-52-18-00004-P	12/26/19	Student teaching requirements for teacher certification and the registration of teacher preparation programs.	To revise the student teaching requirements for teacher certification and the registration of teacher preparation programs.
EDU-52-18-00005-P	12/26/19	Annual professional performance reviews.	To extend the transition period for an additional year (until 2019-2020).
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-12-18-00043-P	06/07/19	BEACH Act Standards and Reclassification Rule	To comply with the federal BEACH Act of 2000 (P.L. 106-284) and protect coastal recreation waters for recreation
ENV-20-18-00006-P	07/24/19	CO2 Emissions Standards for Major Electric Generating Facilities	To establish CO2 emissions standards for existing major electric generating facilities
ENV-48-18-00002-P	11/28/19	Jonah crab management	To implement required management measures of the Atlantic States Marine Fisheries Commission Jonah Crab Fishery Management Plan
ENV-49-18-00002-P	12/05/19	Northern Catskill Riparian Areas	To correct a mistake in the description of the Kaaterskill Falls Riparian Area
ENV-02-19-00007-EP	03/10/20	Low emission vehicle greenhouse gas standards	Clarification of the deemed to comply provision
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-23-18-00001-P	06/06/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To require coverage for maternal screening and referrals
DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liabilty Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-26-18-00002-EP	06/27/19	Charges for Professional Health Services	To delay the effective date of the Workers' Compensation fee schedule increases for no-fault reimbursement
DFS-30-18-00007-P	07/25/19	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To clarify requirements regarding coverage and disclosure of information for contraceptives
DFS-36-18-00003-P	09/05/19	Professional Bail Agents; Managing General Agents; et al	To provide greater protection to consumers, and raise the standards of integrity in the bail business.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-46-18-00014-P	11/14/19	Regulations Implementing the Comprehensive Motor Vehicle Insurance Reparations Act-Claims for Personal Injury Protection Benefit	To give insurer option to void assignment of benefits when insurer issues denial for EIP's failure to attend IME or EUO
DFS-52-18-00001-EP	12/26/19	Principle-Based Reserving	To allow principal-based reserving for certain individual and group life insurance policies and annuity contracts.
DFS-02-19-00008-P	01/09/20	Paid Family Leave Risk Adjustment Fund	Establishment of the Paid Family Leave Risk Adjustment Fund
GAMING COMMISSION, NEW YORK STATE			
SGC-09-18-00005-P	02/28/19	The licensing and registration of gaming facility employees and vendors	To govern the licensing and registration of gaming facility employees and vendors
SGC-17-18-00002-P	04/25/19	Regulation of courier services that purchase and claim certain Lottery tickets and prizes as agents for customers	To license courier services to facilitate the sale of Lottery tickets to generate more revenue for education
SGC-38-18-00003-P	09/19/19	Casino fees and payments.	Implementation of rules governing procedures for submission of fees and payments by gaming facilities to the Gaming Commission.
SGC-39-18-00003-P	09/26/19	Heads Up Hold 'Em poker.	To set forth the practices and procedures for the operation of Heads Up Hold 'Em poker as a casino table game.
SGC-40-18-00006-P	10/03/19	Amendment of multiple medication violation (MMV) penalty enhancement rule.	To enable the Commission to enhance the integrity and safety of thoroughbred pari-mutuel racing.
SGC-42-18-00015-P	10/17/19	Permit greater purse-to-price ratio in Thoroughbred claiming races	To advance the best interests of Thoroughbred racing and protect the safety of the race horses
SGC-47-18-00009-P	11/21/19	Self-exclusion and casino advertising	To centralize Commission self-exclusion policies and make self-exclusion universal throughout the various forms of gaming
SGC-01-19-00002-P	01/02/20	Treatment of thoroughbred horses with ultrasound or electro/medical equipment before a race	To enhance the safety and integrity of pari-mutuel racing
SGC-01-19-00017-P	01/02/20	Safety helmet and vest requirements	To enhance the safety and integrity of pari-mutuel racing
SGC-01-19-00018-P	01/02/20	Standards for backstretch housing and related facilities	To create minimum standards for housing and related facilities offered to backstretch workers by racing associations
GENERAL SERVICES, OFFICE OF			
GNS-46-18-00001-P	11/14/19	Service-Disabled Veteran-Owned Business Enterprises	To establish standards, procedures and criteria with respect to the Service-Disabled Veteran-Owned Business Enterprise program
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-07-18-00002-P	02/14/19	Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations	To make changes relating to reserved bed payments made by Medicaid to nursing facilities
HLT-25-18-00008-P	06/20/19	Inpatient Psychiatric Services	To enhance reimbursement mechanisms for inpatient psychiatric services
HLT-30-18-00008-P	07/25/19	Voluntary Foster Care Agency Health Facility Licensure	To license Voluntary Foster Care Agencies to provide limited health-related services
HLT-31-18-00004-P	08/01/19	Newborn Screening for Phenylketonuria and Other Diseases	To support timely collection and submission of specimens for the detection of diseases in newborn infants in New York State
HLT-31-18-00005-EP	08/01/19	Medical Use of Marihuana	To add additional serious conditions for which patients may be certified to use medical marihuana
HLT-34-18-00006-P	08/22/19	Statewide Planning and Research Cooperative System (SPARCS)	To revise the SPARCS regulation related to data intake.
HLT-34-18-00007-P	08/22/19	New York State Medicaid Infertility Treatment	To authorize Medicaid coverage of infertility benefits.
HLT-37-18-00008-P	09/12/19	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To prohibit residential providers from excluding an applicant based solely on the individual's status as a wheelchair user.
HLT-42-18-00006-P	10/17/19	Durable Medical Equipment; Medical/Surgical Supplies; Orthotic and Prosthetic Appliances; Orthopedic Footwear	To amend the Department's regulation governing Medicaid coverage of orthopedic footwear and compression and support stockings
HLT-42-18-00007-P	10/17/19	Stroke Services	NYS criteria for stroke ctr. designation as part of an accrediting process for cert. by nationally recognized accredit. agencies
HLT-42-18-00008-P	10/17/19	Office-Based Surgery Practice Reports	Requires accredited Office-Based Surgery practices to submit adverse event & practice information which includes procedural data
HLT-47-18-00002-P	11/21/19	Food Service Establishments	To restrict the use of liquid Nitrogen and Dry Ice in food preparation
HLT-51-18-00001-P	12/19/19	HIV Uninsured Care Programs	To amend the HIV Uninsured Care Programs to align program eligibility elements with other health care access programs
HLT-51-18-00015-P	12/19/19	Hospital Policies for Human Trafficking Victims	To establish policies and procedures for the identification, assessment, treatment, and referral of human trafficking victims
HLT-51-18-00016-P	12/19/19	Nursing Home Weekly Bed Census Survey	To require nursing homes to electronically submit weekly bed census data to the DOH through the Health Commerce System
HLT-51-18-00017-P	12/19/19	Clinical Laboratory Directors	Recognize additional accrediting boards for qualification of clinical laboratory directors to obtain a cert. of qualification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-18-00018-P	12/19/19	New requirements for Annual Registration of Licensed Home Care Services Agencies	To amend the regulations for licensed home care services agencies for the annual registration requirements of the agency
LABOR, DEPARTMENT OF			
*LAB-47-17-00011-RP	02/20/19	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
LAB-17-18-00005-P	07/11/19	Hours Worked, 24-Hour Shifts	To clarify that hours worked may exclude meal periods and sleep times for employees who work shifts of 24 hours or more
LAW, DEPARTMENT OF			
LAW-41-18-00021-P	10/10/19	Arbitration program regulations for defective farm equipment	To set forth the procedures for the operation of an alternative arbitration mechanism for defective farm equipment disputes
LIQUOR AUTHORITY, STATE			
LQR-07-18-00011-P	04/18/19	Municipal notification requirements for Temporary Beer and Wine Permit as well as Catering Permit applications for large events	To establish municipal notification for Temporary Beer and Wine Permit as well as Catering Permit applications for large events
LQR-02-19-00006-P	04/16/20	Delinquent (C.O.D.) list procedures	To modernize outdated delinquent (C.O.D.) list procedures and provide for electronic notification for same
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
LPA-33-18-00018-P	exempt	The net energy metering and related provisions of the Authority's Tariff for Electric Service.	To conform the Tariff to orders issued in the Value of Distributed Energy Resources proceeding of the New York DPS.
LPA-37-18-00009-P	exempt	The Authority's transmission and distribution property taxes as reflected in the Adjustments section of the Authority's Tariff.	To update the Tariff to implement an annual adjustment to recover payments in lieu of T&D property taxes.
LPA-37-18-00010-P	exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-37-18-00011-P	exempt	The terms and conditions of the Authority's Tariff for Electric Service regarding customer contacts by telephone.	To implement Federal Communications Commission guidance regarding customer contacts via mobile electronic devices.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-37-18-00012-P	exempt	The small generator interconnection procedures in the Authority's Tariff for Electric Service	To update the small generator interconnection procedures consistent with Public Service Commission guidance
LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
LPA-37-18-00014-P	exempt	The Authority's Tariff for Electric Service, Service Classification No. 7 Outdoor Area Lighting	To implement an option for high efficiency LED light bulbs and fixtures for Outdoor Area Lighting
LPA-37-18-00015-P	exempt	Uniform Business Practices for Distributed Energy Resource Suppliers in the Authority's Tariff for Electric Service.	To update the Tariff to implement Uniform Business Practices for Distributed Energy Resource Suppliers.
LPA-37-18-00016-P	exempt	The metering provisions of the Authority's Tariff for Electric Service	To implement a customer option to decline installation of a smart meter and associated fees
LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
MENTAL HEALTH, OFFICE OF			
OMH-43-18-00001-P	10/24/19	Operation of Crisis Residences in New York State	To revise and update the categories of Crisis Residences to match what is currently operation in New York
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
NFW-01-19-00019-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-01-19-00001-P	01/02/20	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority level
OGDENSBURG BRIDGE AND PORT AUTHORITY			
OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-48-18-00006-P	11/28/19	The regulation of pets in OPRHP facilities	To adopt one statewide pet regulation that replaces regional regulations that are inconsistent with each other
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-18-00001-ERP	02/14/19	Enrollment in Medicare Prescription Drug Plans and Fully Integrated Duals Advantage Plans for IDD	To allow individuals to be enrolled in a FIDA-IDD plan when individuals are unable to enroll themselves
PDD-45-18-00001-EP	11/07/19	Telehealth	To authorize telehealth as a new modality for the delivery of clinical services
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-18-00005-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00022-P	exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	exempt	Annual Reconcilliation 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commerical accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	exempt	Modifications to the $5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income $5 Bill Credit Program
*PSC-39-09-00018-P	exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology

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PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to $50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-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

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PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P	exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*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-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

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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-14-11-00009-P	exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	exempt	Water rates and charges	To approve an increase in annual revenues by about $25,266 or 50%
*PSC-26-11-00009-P	exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	exempt	Petition requesting the Commssion reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-01-12-00007-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than $100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.

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-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-25-13-00008-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-13-00012-P	exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	exempt	To enter into a loan agreement with the banks for up to an amount of $94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00004-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge

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PUBLIC SERVICE COMMISSION			
*PSC-48-14-00014-P	exempt	Considering the recommendations contained in Staff' s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of $2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of $2.75 million
*PSC-18-15-00005-P	exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-15-00005-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	exempt	Continued deferral of approximately $16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately $16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-16-00009-P	exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-P	exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00016-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-14-17-00017-P	exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
*PSC-18-17-00024-P	exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payour losses incurred in 2016.
*PSC-20-17-00008-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-23-17-00022-P	exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
*PSC-24-17-00006-P	exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-31-17-00010-P	exempt	Notice of intent to submeter electricity	To consider the notice of intent of 11737 Owners Corp. to submeter electricity at 117 East 37th Street, New York, New York
*PSC-34-17-00011-P	exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-17-00005-P	exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-37-17-00006-P	exempt	Petition to submeter electricity.	To consider the petition of ACC OP (Park Point SU) LLC to submeter electricity at 417 Comstock Avenue, Syracuse, New York.
*PSC-39-17-00009-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider the terms of a service agreement and waiver.
*PSC-39-17-00011-P	exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-40-17-00006-P	exempt	The aggregation of electric service for the Empire State Plaza and the Sheridan Avenue Steam Plant	To consider a waiver of National Grid's tariff provision requiring all electric delivery points to be on the same premises
*PSC-42-17-00010-P	exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-46-17-00013-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-48-17-00015-P	exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-50-17-00022-P	exempt	Data protection rules for DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-51-17-00007-P	exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
*PSC-51-17-00011-P	exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-51-17-00015-P	exempt	Opt-out tariff regarding installation of advanced digital metering devices in Central Hudson's service territory.	To determine the appropriate opt-out provisions for Central Hudson customers regarding advanced digital metering devices.
*PSC-52-17-00014-P	exempt	Oversight and support of Clean Energy Fund and related NYSERDA activities	To support and monitor the deployment of clean energy technology

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-18-00005-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
PSC-05-18-00004-P	exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-06-18-00012-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-06-18-00017-P	exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-11-18-00004-P	exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
PSC-13-18-00014-P	exempt	Commission oversight of distributed energy resource suppliers	To protect customers and utilities in the receipt of services from distributed energy resource suppliers
PSC-13-18-00015-P	exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-13-18-00023-P	exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
PSC-14-18-00006-P	exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
PSC-15-18-00008-P	exempt	Amendments to the Uniform Business Practices.	Consideration of revised consumer protections and business practices of energy service companies.
PSC-17-18-00010-P	exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-18-18-00009-P	exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
PSC-19-18-00005-P	exempt	Whether Flanders' can market to and enroll new customers.	To protect customers by enforcing compliance with the Uniform Business Practices.
PSC-20-18-00008-P	exempt	Proposed major rate increase in O&R's gas delivery revenues of approximately $4.5 million (or 1.5% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-18-00009-P	exempt	Proposed major rate increase in O&R's electric delivery revenues of approximately $20.3 million (or 2.3% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-18-00044-P	exempt	Electric ratemaking policy for Direct Current Fast Charging (DCFC) facilities used to recharge electric vehicles.	To ensure just and reasonable rates in the context of charging electric vehicles.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-22-18-00007-P	exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-22-18-00008-P	exempt	Intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-23-18-00006-P	exempt	Whether to impose consequences on Aspirity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
PSC-23-18-00010-P	exempt	Community Distributed Generation project rules.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-23-18-00014-P	exempt	Proposed major rate increase of approximately $11.7 million to cover its Franklin and St. Lawrence Counties expansion project.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-18-00013-P	exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-24-18-00015-P	exempt	To determine the use of investments to be made in lieu of a penalty action.	Commission oversight of electric and gas distribution companies and safe and adequate service.
PSC-26-18-00015-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections.
PSC-28-18-00004-P	exempt	The 2017 Outcome-based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-28-18-00005-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-28-18-00011-P	exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
PSC-28-18-00012-P	exempt	Transfer of certain street lighting facilities.	To transfer street lighting facilities for the benefit of ratepayers.
PSC-29-18-00008-P	exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
PSC-29-18-00009-P	exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
PSC-30-18-00004-P	exempt	Ownership of St. Lawrence Gas Company, Inc.	To consider whether a proposed transfer of ownership interests in St. Lawrence Gas Company, Inc. is in the public interest.
PSC-30-18-00005-P	exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-30-18-00006-P	exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-31-18-00011-P	exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-18-00012-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-18-00014-P	exempt	Petition for clarification and rehearing of the Rate Order.	To encourage energy efficiency measures and right of way maintenance and to ensure just and reasonable rates.
PSC-34-18-00011-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-34-18-00015-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
PSC-34-18-00016-P	exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
PSC-35-18-00003-P	exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00005-P	exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
PSC-35-18-00006-P	exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00008-P	exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
PSC-35-18-00009-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-18-00010-P	exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
PSC-36-18-00005-P	exempt	Permanent operator of gas wells and certain gas facilities.	To resolve ownership of overlapping gas facilities associated with wells transferred to two gas companies.
PSC-37-18-00003-P	exempt	Service Classification No. 7 - Sale of Standby Service to Customers with On-Site Generation Facilities.	To expand eligibility to customers across multiple buildings connected to a generating facility by a private thermal loop.
PSC-37-18-00005-P	exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-38-18-00001-P	exempt	Waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider not requiring living units of the facility to be metered.
PSC-39-18-00004-P	exempt	To establish Rider J - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00005-P	exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-18-00006-P	exempt	To establish Rider AB - Smart Home Rate.	To provide residential customers the opportunity to better manage their energy costs.
PSC-39-18-00007-P	exempt	To implement enhanced safety pilot programs and energy efficiency initiatives.	To provide customers with enhanced safety and environmental benefits.
PSC-40-18-00013-P	exempt	Commission programs for meter service providers and meter data service providers.	To prevent confusion from maintaining unnecessary programs.
PSC-40-18-00014-P	exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
PSC-40-18-00015-P	exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-18-00016-P	exempt	Proposed transfer of the Company's assets to the Town and dissolution of the Company.	To determine if transfer of the water system to the Town of Delaware is in the public interest.
PSC-40-18-00018-P	exempt	Waiver of PSC regulations, 16 NYCRR Sections 86.3(a)(2), (b)(2) and 88.4(a)(4).	To ensure that adequate maps and system studies support the application.
PSC-40-18-00019-P	exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-40-18-00020-P	exempt	Issuance of long-term debt securities.	To provide funding for safety and reliability capital projects, maturing debt, and refinancing variable rate to fixed rate debt.
PSC-41-18-00003-P	exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To provide the rates, rules, and regulations under which water service will be provided to the customers of the system
PSC-41-18-00004-P	exempt	Internal reorganization and stock transfer	To determine if the proposed reorganization and stock transfer is in the public interest and beneficial to ratepayers
PSC-41-18-00005-P	exempt	Authorization to enter into a long-term loan agreement	For system improvements and full repayment of existing loan
PSC-42-18-00009-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00010-P	exempt	Rehearing and/or reconsideration of the Tax Charges Rate Treatment Order.	To determine if the Commission was correct to require small telecom utilities to defer ongoing tax savings.
PSC-42-18-00011-P	exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
PSC-42-18-00012-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-42-18-00013-P	exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-18-00014-P	exempt	The disposition of a refund from NYPA to the Village of Solvay of $733,000 for overcharge for electricity over several years.	To determine whether the proposed disposition of the NYPA refund is just and reasonable.
PSC-44-18-00008-P	exempt	The New York State Reliability Council's revisions to its rules and measurements.	To adopt revisions to various rules and measurements of the New York State Reliability Council.
PSC-44-18-00009-P	exempt	Water rates and charges.	To shift fire protection costs from the Town to its residents' water bills.
PSC-44-18-00010-P	exempt	Interruptible/Temperature Controlled gas service Collaborative report recommendations and tariff changes.	To consider the terms and conditions applicable to interruptible and temperature controlled gas service.
PSC-44-18-00011-P	exempt	Modifications to electric supply reconciliation mechanism.	To improve the reconciliation of supply-related costs for hourly-priced customers.
PSC-44-18-00012-P	exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00013-P	exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-44-18-00014-P	exempt	Waiver of PSC regulations, 16 NYCRR sections 86.3(a)(1), (a)(2) and (b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-44-18-00015-P	exempt	Con Edison's petition for the Non-Pipeline Solutions Portfolio and associated budget.	To pursue projects that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
PSC-44-18-00016-P	exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
PSC-45-18-00003-P	exempt	Eliminating a financial incentive for utility performance, the interconnection earnings adjustment mechanism	To consider encouraging utility performance while creating customer savings
PSC-45-18-00004-P	exempt	Proposed transfer of two natural gas pipeline operating companies, and for lightened and incidental regulation	To consider transfer if there is no market power or ratepayer harm, incidental regulation, and continuing lightened regulation
PSC-45-18-00005-P	exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-18-00005-P	exempt	Proposed rate filing to increase annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-46-18-00013-EP	exempt	Acquisition of cable television assets and franchises.	To ensure continued service to Hamilton County Cable customers.
PSC-47-18-00004-P	exempt	Ampersand Cranberry Lake Hydro LLC's 500kw hydroelectric facility in the Town of Clifton, New York.	To promote and maintain renewable electric energy resources.
PSC-47-18-00005-P	exempt	Waiver of certain rules pertaining to cable television franchise.	To determine whether to waive any rules and regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-18-00006-P	exempt	Modification of NMPC Estimating Metric project list.	To reflect an appropriate Estimating Metric project list for NMPC.
PSC-47-18-00007-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-18-00008-P	exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-48-18-00005-P	exempt	Purchase of gas safety equipment for Westchester County fire departments	To provide Westchester County fire departments gas safety equipment they state they need to respond to odor reports
PSC-49-18-00006-EP	exempt	Appointment of a temporary operator.	To determine if a temporary operator is needed to ensure the safe and adequate provision of water service.
PSC-50-18-00002-P	exempt	Waiver of tariff provision	To determine if it is the public interest to waive individual metering requirements for the planned senior housing
PSC-50-18-00003-P	exempt	Proposed transfer of interests in an electric generating facility and dedicated natural gas pipeline	To consider the transfer of generating facility and dedicated gas pipeline if there is no market power or ratepayer harm
PSC-50-18-00004-P	exempt	Sale of street lighting facilities to the City of Albany	To determine whether to approve the transfer of street lighting facilities in the City of Albany
PSC-50-18-00005-P	exempt	Establishment of the regulatory regime applicable to an approximately 100 MW electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-51-18-00011-P	exempt	The 2018 Outcome-Based EAM Collaborative Report.	To ensure the establishment of fair and equitable metrics, targets and associated incentive levels.
PSC-51-18-00012-P	exempt	Petition for water metering equipment.	To ensure that customer bills are based on accurate measurements of water usage.
PSC-51-18-00013-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-18-00014-P	exempt	Consideration for the use of the expired CDP funds.	To provide potential customers affordable access to natural gas service.
PSC-52-18-00006-P	exempt	Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-18-00007-P	exempt	Transfer of certain street lighting facilities.	To consider the transfer of certain street lighting facilities located in the City of Canandaigua.
PSC-52-18-00008-P	exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-18-00009-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-18-00010-P	exempt	Installed Reserve Margin.	To ensure adequate levels of Installed Capacity.
PSC-52-18-00011-P	exempt	LED Street Lighting.	To provide customers with more efficient, lower cost LED street lighting options.
PSC-52-18-00012-P	exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-18-00013-P	exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-01-19-00003-P	exempt	Proposed revisions to RG&E's Dynamic Load Management Programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-19-00004-P	exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
PSC-01-19-00005-P	exempt	Proposed revisions to O&R's Dynamic Load Management Programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-19-00006-P	exempt	Proposed revisions to NYSEG's Dynamic Load Management Programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-19-00007-P	exempt	Northbrook Lyons Falls LLC's 3 hydro facilities with a combined capacity of 8.59 MW located in Mill, Gouldtown, and Kosterville.	To promote and maintain renewable electric energy resources.
PSC-01-19-00008-P	exempt	Proposed revisions to Central Hudson's Dynamic Load Management Programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-19-00009-P	exempt	Waiver of main extension rules, service territory extension and agreement for provision of service.	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.
PSC-01-19-00010-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-19-00011-P	exempt	Proposed revisions to National Grid's Dynamic Load Management Programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-19-00012-P	exempt	National Grid's electric Economic Development Programs.	To consider modifications to National Grid's economic development assistance programs.
PSC-01-19-00013-P	exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
PSC-01-19-00014-P	exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-19-00015-P	exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-01-19-00016-P	exempt	To modify provisions for accepting new or additional gas service applications when there is inadequate supply or capacity.	To continue to provide safe and reliable service to existing customers.
PSC-02-19-00009-P	exempt	The 2018 Electric Emergency Response Plans for electric utilities.	To consider the adequacy of the 2018 Electric Emergency Response Plans.
PSC-02-19-00010-P	exempt	Transfer of street lighting facilities to the Village of Newark.	To consider whether the transfer of certain street lighting facilities to the Village of Newark is in the public interest.
PSC-02-19-00011-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-02-19-00012-P	exempt	Unspent settlement funds to be used for future gas safety programs.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-02-19-00013-P	exempt	Capacity Release Program.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-02-19-00014-P	exempt	Petition for use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-02-19-00015-P	exempt	Limited waiver of remote net metering rule.	To address issues related to certain developers/customers with two sites in different load zones.
STATE UNIVERSITY OF NEW YORK			
SUN-44-18-00003-P	10/31/19	Proposed amendments to the traffic and parking regulations at State University College at Oneonta	Amend existing regulations to update traffic and parking regulations
SUN-49-18-00008-P	12/05/19	University Faculty Senate	To clarify that the vice-president/secretary of the University Faculty Senate (“UFS”) shall be a voting member of the UFS
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-48-18-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2019 through March 31, 2019
TAF-48-18-00004-EP	11/28/19	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2019
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-41-18-00002-EP	10/10/19	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-mandated and approved SUAs as of 10/1/18
TDA-49-18-00009-EP	12/05/19	Outreach, Homeless Services Plans and Outcome Reporting	To promote effective planning and strategic use of resources by social service districts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRANSPORTATION, DEPARTMENT OF			
TRN-47-18-00001-P	11/21/19	Regulation of transportation of hazardous materials by commercial motor carriers in New York State	Corrects omissions in State regulations associated with Title 49 CFR provisions related to transport of hazardous materials
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-49-18-00011-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
WORKERS' COMPENSATION BOARD			
*WCB-52-17-00021-RP	03/27/19	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
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LMV II Costa Mesa REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Costa Mesa REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Crest at Park West REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Crest at Park West REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Emeryville REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Emeryville REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Grand Bay Pod V REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Grand Bay Pod V REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Lakeside REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II Lakeside REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II MMP REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II MMP REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II NE Minneapolis Lot 2 REIT, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

LMV II NE Minneapolis Lot 2 REIT-DC, LP
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

MAIN 6494 LLC
PO Box 1622, Middleburg, VA 20118
State or country in which incorporated — Delaware

Metro East Valley Phase II REIT, LLC
801 Grand Ave., Des Moines, IA 50309

MPC Federal 2018 Historic ICF 3, LLC
3414 Peachtree Rd. NE, Suite 825, Atlanta, GA 30326
Partnership — Monarch Federal HTC Manager, LLC

North Block Spring Street Development LLC
700 NW. 107th Ave., Suite 400, Miami, FL 33172
Partnership — Lennar Multifamily BTC Venture II GP Subsidiary, LLC

Participant Capital Fund I Feeder, LP
c/o Participant Capital Partner US, LLC, 1010 NE. 2nd Ave., Miami, FL 33132
Partnership — Participant Capital Partner US, LLC

PEPF Carlyle Overlook REIT, LLC
801 Grand Ave., Des Moines, IA 50309
State or country in which incorporated — Delaware

PEPF Langwood Commons REIT, LLC
801 Grand Ave., Des Moines, IA 50309
State or country in which incorporated — Delaware

PEPF Wayzata Venture REIT, LLC
801 Grand Ave., Des Moines, IA 50309
State or country in which incorporated — Delaware

PEPF Westerly at Worldgate REIT, LLC
801 Grand Ave., Des Moines, IA 50309
State or country in which incorporated — Delaware

PIMCO Investments LLC
1633 Broadway, New York, NY 10019
State or country in which incorporated — Massachusetts

Raleigh City Center REIT, LLC
801 Grand Ave., Des Moines, IA 50309
State or country in which incorporated — Delaware

Sanders Creek Investments, LLC
718 W. Business Hwy. 60, Dexter, MO 63841
Partnership — Sanders Creek Manager, LLC

Scepter Opportunity Fund, LP
P.O. Box 5217, Santa Monica, CA 90409
Partnership — Scepter Financial Group, LLC

SE Port Chester Investors, LLC
350 N. Lasalle St., Suite 800, Chicago, IL 60654
State or country in which incorporated — Delaware limited liability company

SSG Capital Partners V, L.P.
Walkers Corporate Limited, Cayman Corporate Centre, 27 Hospital Rd., George Town, Grand Cayman KY1-9008, Cayman Islands
Partnership — SSG Capital Partners V GP, Ltd.

T2Earth Holdings LLC
7600 Jericho Turnpike, Suite 302, Woodbury, NY 11797
State or country in which incorporated — Delaware

usell.com, Inc.
18 W. 18th St., New York, NY 10011
State or country in which incorporated — Delaware

VPC Victoria MF LLC
c/o VestaPoint Capital LLC, 941 W. Morse Blvd., Suite 130, Winter Park, FL 32789
State or country in which incorporated — Delaware

Wells Fargo Investment Institute, Inc.
401 S. Tryon St., Charlotte, NC 28202
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE
ELEVATORS
Mahoney State Office Building
Buffalo, Erie County

Sealed bids for Project Nos. Q1769-C. Q1769-H, Q1769-E, Q1769-U, comprising separate contracts for Construction Work, HVAC Work, Electrical Work, and Elevator Work, Rehabilitate Elevators, Mahoney State Office Building, 65 Court Street, Buffalo (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 16, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $10,700 for C, $3,100 for H, $10,100 for E, and $39,000 for U.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $100,000 and $250,000 for C, between $25,000 and $50,000 for H, between $100,000 and $250,000 for E, and between $1,000,000 and $2,000,000 for U.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 358 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 4, 2019 at Mahoney State Office Building, 65 Court Street, Buffalo, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Lauren Clausen, (716) 885-0908 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

REHABILITATE
NORTH SIDE ELEVATORS
New York Psychiatric Center
Marcy, Oneida County

Sealed bids for Project Nos. 45245-C, 45245-P, 45245-E, 45245-U, comprising separate contracts for Construction Work, Plumbing Work, Electrical Work and Elevator Work, Rehabilitate North Side Elevators, 1st Floor, Central New York Psychiatric Center, River Road, PO Box 300, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, January 16, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $16,400 for C, $600 for P, $4,600 for E, and $29,500 for U.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $100,000 and $250,000 for C, under $25,000 for P, between $50,000 and $100,000 for E, and between $500,000 and $1,000,000 for U.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

The substantial completion date for this project is 366 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 3, 2019 at OGS Marcy Field Office, 6325 State Route 291, Marcy, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Brendon Ford, (315) 736-5770 a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

REPAIR
HEATING/VENTILATION CONTROLS
State Armory
Kingston, Ulster County

Sealed bids for Project Nos. 45466-H, 45466-E, comprising separate contracts for HVAC Work and Electrical Work, Repair Heating/Ventilation Controls, State Armory, 25 Kiersted Avenue, Kingston (Ulster County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, January 23, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $23,400 for H and $2,100 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $250,000 and $500,000 for H and between $25,000 and $50,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement

Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 185 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 11, 2019 at State Armory, 25 Kiersted Avenue, Conference Room, Kingston, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Theresa Swehla, (845) 895-3170 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

REPLACE
ATRIUM SKYLIGHTS/PANELS
DMNA Headquarters
Latham, Albany County

Sealed bids for Project Nos. 45652-C, 45652-H, 45652-P, 45652-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Replace Atrium Skylights & Panels, DMNA Headquarters, 330 Old Niskayuna Road, Latham (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, January 16, 2019, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of $43,100 for C, $5,600 for H, $2,500 for P, and $12,200 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $1,000,000 and $2,000,000 for C, between $50,000 and $100,000 for H, between $25,000 and $50,000 for P, and between $100,000 and $250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Hoffman, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 241 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:30 a.m. on January 3, 2019 at DMNA Headquarters, 330 Old Niskayuna Road, Latham, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Greg Haze, (518) 225-0822 a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an $8.00 deposit per set, plus a $2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

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

Office of Parks, Recreation and Historic Preservation

Pursuant to Title 3, Article 49 of the Environmental Conservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives public notice of the following:

Notice is hereby given, pursuant to Section 49-0305(9) of the Environmental Conservation Law, of the Office of Parks, Recreation and Historic Preservation's intent to acquire a Conservation Easement from Stone Barns Restoration Corp. over certain lands located at Old Sleepy Hollow Road, Town of Mount Pleasant and Village of Sleepy Hollow, in the County of Westchester and the State of New York.

For further information contact: Sandra Burnell, Real Estate Specialist 2, Office of Parks, Recreation and Historic Preservation, Albany, NY 12238, (518) 408-1964, or e-mail: Sandra.burnell@parks.ny.gov

PUBLIC NOTICE

Department of State
F-2018-1085
Date of Issuance – January 9, 2018

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent to the maximum extent practicable with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2018-1085, the applicant, Cornell Cooperative Extension (CCE) of Suffolk County, a non-profit organization, is proposing to install a seawater intake system at Cedar Beach County Park in Suffolk County to provide a high quality seawater supply to a new shellfish hatchery at the Suffolk County Marine Environmental Learning Center, 3690 Cedar Beach Road, Town of Southold, NY. Water will be drawn from the Shelter Island Sound (a/k/a Noyack Bay). The project is in support of the Long Island Shellfish Restoration Project (LISRP).

The proposed system shall consist of a 3-foot wide by 300 feet long intake pipeline buried approximately 3.5 feet below existing grade extending seaward to a 3-foot wide by 200 foot long jetted intake line made up of four (4) 4 inch diameter plastic pipes buried approximately 3.5 feet below existing grade. The proposed structures will extend approximately 137 linear feet from the mean low water line into Shelter Island Sound. Approximately 100-133 cubic yards of material will be excavated and used to refill the trench as the lines are laid out. Trenching is expected to be completed in a single day. HDPE line installation will result in approximately 10-15 feet of HDPE line extending out of the bay bottom into the water column at an estimated depth of 10 feet below mean low water.

Operation of the seawater intake lines will see two lines active at any given time. Calculated peak usage flow rate to supply the hatchery and seasonal ancillary needs would be 550 gallons per minute (gpm). Year-round operation of the shellfish hatchery will require 50-100 gpm. Seawater discharged from the hatchery's oyster settlement tanks and upweller system will discharge into the Cedar Beach Creek and will have passed through thousands of oysters and clams prior to entering Cedar Beach Creek and is expected to have a beneficial impact on water quality in the creek. The water temperature of the discharge will be lower than the ambient summer water temperature in the creek, potentially mitigating thermal stress and dissolved oxygen issues seasonally experienced by resident marine fauna.

The project site is located within a State-designated Significant Coastal Fish and Wildlife Habitat (SCFWH) – Cedar Beach Point. More information regarding this designation and the specific habitat values may be found at:

https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Cedar_Beach_Point.pdf

https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html

The proposed activities would be undertaken within the Town of Southold Local Revitalization Program (LWRP) planning area. As the LWRP is a component of the NYSCMP, activities under federal permitting authority are also subject to review for their consistency with the local program and its specific provisions and policies. More information regarding the LWRP and its policies may be found at:

https://docs.dos.ny.gov/opd-lwrp/LWRP/Southold_T/Index.html

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or January 24th, 2018. Project materials may be accessed at https://www.dos.ny.gov/opd/publicNotices/notices.html

Comments should be addressed to Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Com-

ments can also be submitted electronically via e-mail to: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2010-0214 In the matter of MTA-New York City Transit, Two Broadway, D3.131, New York, NY 10004, for a variance concerning Travel distance limitations to alterations of an existing unused section of transportation tunnel adjacent to the Roosevelt Avenue Station the Jackson Heights section, City of New York, Borough of Queens, County of Queens, State of New York.

2018-0621 In the matter of MTA-New York City Transit, Two Broadway, New York, NY 10004, for a variance concerning allowable area of openings in rated exterior walls alterations to the existing Fan Plant #2704 positioned above the Queens Line, IND located on 50th Avenue between 2nd Street and 5th Street, City of New York, Borough of Queens, County of Queens, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2018-0622 In the matter of MTA-New York City Transit, Two Broadway, New York, NY 10004, for a variance concerning exterior hatch and stairs for the new Maspeth Avenue Substation positioned above the Canarsie Line, BMT located between Humboldt Street and Bushwick Ave., City of New York, Borough of Brooklyn, County of Kings, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance / Appeal Petitions

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

2018-0627 In the matter of Ashley Management Corp., Maria Maynard, 95 Brown Road, MS 1015, Ithaca, NY 14850 for Cornell Real Estate concerning safety requirements including a variance for reduction in required height of existing handrails and guardrails.

Involved is the certificate of compliance inspection of an existing residential occupancy, two stories in height, located at 536 Thurston Avenue, City of Ithaca, County of Tompkins, New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: October 1-31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Inflection Energy (PA), LLC; Pad ID: Hillegas Well Pad, ABR-201308017.R1; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 11, 2018.

2. Inflection Energy (PA), LLC; Pad ID: Bennett Well Pad, ABR-201308015.R1; Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2018.

3. Cabot Oil & Gas Corporation; Pad ID: PavelskiJ Pad 1, ABR-201810001; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2018.

4. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 594 (02 200), ABR-201810002; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 22, 2018.

5. Chief Oil & Gas LLC, Pad ID: HEMLOCK RIDGE ESTATES UNIT PAD; ABR-201810003; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 24, 2018.

6. ARD Operating, LLC; Pad ID: Lycoming H&FC Pad F; ABR-201309015.R1; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 26, 2018.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: December 19, 2018.

Jason E. Oyler

Acting Secretary of the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: November 1-30, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and § 806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Cabot Oil & Gas Corporation; Pad ID: FoltzJ P1, ABR-201311002.R1; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 9, 2018.

2. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 594 (02-201), ABR-201811001; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 13, 2018.

3. Cabot Oil & Gas Corporation; Pad ID: AckerC P1, ABR-201311004.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 13, 2018.

4. Repsol Oil & Gas USA, LLC; Pad ID: CLDC (02 177), ABR-201811002; Ward Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 19, 2018.

5. Cabot Oil & Gas Corporation; Pad ID: AndersonR P1, ABR-201311009.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 19, 2018.

6. Chesapeake Appalachia, L.L.C.; Pad ID: Pond Family; ABR-201811004; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 21, 2018.

7. Cabot Oil & Gas Corporation; Pad ID: PowersM P1, ABR-201811003; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 26, 2018.

8. SWEPI LP; Pad ID: Sherman 492W, ABR-201310001.R1; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 30, 2018.

9. Range Resources – Appalachia, LLC; Pad ID: State Game Lands 075A – East Pad, ABR-201311005.R1; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: November 30, 2018.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: December 19, 2018.

Jason E. Oyler,

Acting Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Actions Taken at December 6, 2018, Meeting

SUMMARY: As part of its regular business meeting held on December 6, 2018, in Harrisburg, Pennsylvania, the Commission approved or tabled the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: December 6, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Ava Stoops, Administrative Specialist, telephone: 717-238-0423; fax: 717-238-2436; srbc@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: 1) adopting the independent financial audit report for fiscal year 2018; 2) approval of several grant agreements; 3) adoption of a resolution urging President Trump and the United States Congress to provide full funding for the national Groundwater and Streamflow Information Program, thereby supporting the Susquehanna Flood Forecast & Warning System; 4) adopting a resolution approving a consumptive use mitigation project located in Lancaster County, Pa. and approving the signing of a water supply agreement with the Lancaster County Solid Waste Management Authority; 5) adopting a resolution deferring updates to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin until 2021; 6) approving a request for waiver of 18 CFR § 806.31, and 7) approving a settlement with EQT Production Company for $120,000.

Project Applications Approved:

The Commission approved the following project applications:

1. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the surface water withdrawal approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

2. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the consumptive use approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

3. Project Sponsor and Facility: Adams & Hollenbeck Waterworks, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141209).

4. Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), Watson Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141201).

5. Project Sponsor and Facility: Bloomfield Borough Water Authority, Bloomfield Borough, Perry County, Pa. Application for groundwater withdrawal of up to 0.055 mgd (30-day average) from Perry Village Well 2.

6. Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.098 mgd (30-day average) from Well 2 (Docket No. 19890104).

7. Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.092 mgd (30-day average) from Well 3 (Docket No. 19890104).

8. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.045 mgd (30-day average) from Well 10 (Docket No. 19890101).

9. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 9 (Docket No. 19890101).

10. Project Sponsor and Facility: Eclipse Resources-PA, LP (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

11. Project Sponsor and Facility: Masonic Village at Elizabethtown, West Donegal Township, Lancaster County, Pa. Modification to increase consumptive use by an additional 0.055 mgd (peak day), for a total consumptive use of up to 0.230 mgd (peak day) (Docket No. 20030811).

12. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Seeley Creek), Wells Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20141212).

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wyalusing Creek), Stevens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20141213).

14. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of groundwater withdrawal of up to 5.000 mgd (30-day average) from Maple Hill Mine Shaft Well (Docket No. 19870101).

15. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, Pa. Application for renewal of consumptive use of up to 2.550 mgd (peak day) (Docket No. 19870101).

16. Project Sponsor and Facility: SWEPI LP (Cowanesque River), Nelson Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20141211).

17. Project Sponsor and Facility: Tenaska Resources, LLC (Cowanesque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.400 mgd (peak day) (Docket No. 20141214).

Project Applications Tabled:

The Commission tabled action on the following project applications:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 1.

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 2.

3. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.124 mgd (30-day average) from Beech Mountain Well 3.

Project Involving a Diversion:

The Commission approved the following project application involving a diversion:

1. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modification to extend the approval term of the out-of-basin diversion approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

Commission-Initiated Project Approval Modifications:

The Commission approved the following project approval modifications:

1. Project Sponsor and Facility: Fox Hill Country Club, Exeter Borough, Luzerne County, Pa. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal of up to 0.125 mgd (30-day average) from the Halfway House Well (Docket No. 20020605).

2. Project Sponsor and Facility: Norwich Pharmaceuticals, Inc., Town of North Norwich, Chenango County, N.Y. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals of up to 0.106 mgd (30-day average) from Well 1 and up to 0.082 mgd (30-day average) from Well 2 (Docket No. 20050902).

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: December 19, 2018.

Jason E. Oyler,

Acting Secretary to the Commission

ADJUDICATORY REPORTS

Office of Temporary and Disability Assistance

Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, and reconfirmed by Executive Order No. 2 issued by Governor Andrew M. Cuomo on January 1, 2011, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report published on January 30, 1991, detailed the steps taken to comply with the Order.

The Order (Section V) requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing December 1, 2016, through November 30, 2018.

Petitions filed: 92

Cases closed: 68

The closed cases resulted in the following outcomes:

- Stipulation of settlement: 19
- Decisions favorable to the Office: 35
- Withdrawn or abandoned by the petitioner: 14
- Decisions adverse to the Office: 0

Reasons for adverse decisions:

- Mistake of law as applied to facts: 0
- Record deficient: 0

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, section 50.1(II)(C) of the Rules of the Chief Judge, by adding the underlined material, relating to Rules governing conduct of non-judicial court employees to read as follows:

§ 50.1 Code of Ethics for Non-judicial Employees of the Unified Court System

(II)(C) Court employees shall not discriminate, and shall not manifest by words or conduct bias or prejudice, on the basis of race, color, sex, sexual orientation, *gender identity, gender expression,* religion, creed, national origin, marital status, age or disability.

AMENDMENT OF RULE

Rules of the Chief Administrator Governing Judicial Conduct

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals, I hereby confirm the amendment, effective May 6, 2014, of section 100.3(C)(3) of the Rules of the Chief Administrator Governing Judicial Conduct (addressing administrative responsibilities of judges), to read as follows (new matter italed); deleted matter [stricken in brackets]:

PART 100. JUDICIAL CONDUCT

* * *

Section 100.3 A judge shall perform the duties of judicial office impartially and diligently.

* * *

(C) Administrative Responsibilities.

* * *

(3) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered. A judge shall not appoint or vote for the appointment of any person as a member of the judge's staff or that of the court of which the judge is a member, or as an appointee in a judicial proceeding, who is a relative within the fourth degree of relationship of either the judge or the judge's spouse or the spouse of such a person. A judge shall refrain from recommending a relative within the fourth degree of relationship of either the judge or the judge's spouse or the spouse of such person for appointment or employment to another judge serving in the same court. A judge also shall comply with the requirements of Part 8 of the Rules of the Chief Judge (22 NYCRR Part 8) relating to the appointment of relatives of judges. Nothing in this paragraph shall prohibit appointment of the spouse*, domestic partner, or unrelated household member* of the town or village justice, or other *relative* [member of such justice's household,] as clerk of the town or village court in which such justice sits, provided that the justice obtains the prior approval of the Chief Administrator of the Courts, which may be given upon a showing of good cause.

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 3(a) of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective January 1, 2019, to read as follows (new material italed):

Rule 3. Alternative Dispute Resolution (ADR); Settlement Conference Before a Justice Other Than the Justice Assigned to the Case.

(a) At any stage of the matter, the court may direct or counsel may seek the appointment of an uncompensated mediator for the purpose of mediating a resolution of all or some of the issues presented in the litigation. *Counsel are encouraged to work together to select a mediator that is mutually acceptable and may wish to consult any list of approved neutrals in the county where the case is pending.* Additionally, counsel for all parties may stipulate to having the case determined by a summary jury trial pursuant to any applicable local rules or, in the absence of a controlling local rule, with permission of the court.