March 14, 2018
Vol. XL
Issue 11

DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE REGISTER

INSIDE THIS ISSUE:

- Licensing of Pathologists' Assistants
- Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Regulation of Commercial Motor Carriers in New York State

Executive Orders
Court Notices

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

For notices published in this issue:
– the 60-day period expires on May 13, 2018
– the 30-day period expires on April 13, 2018

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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

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

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

printed on recycled paper

NEW YORK STATE
REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

Rule Making Activities

Education Department
1 / Licensing of Pathologists' Assistants (E)

Financial Services, Department of
4 / Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure (E)

Public Service Commission
7 / Petition for Rehearing (A)
7 / Tariff Amendments (A)
7 / Eligibility for VDER Tariffs (A)
8 / ZEC Compliance Payment (A)
8 / Tariff Amendments (A)
8 / Petition for an Extension of Time (A)
8 / Unsecured Debt Obligations (A)
9 / Energy Service Company (ESCO) Eligibility (A)
9 / Tranche Adjustments (A)
9 / Merger and Associated Cessation of Operations (A)
10 / Certain Waivers in Connection with a Cable Television Franchise (A)
10 / Use of Funds for Ratepayer Benefit Programs (P)
10 / Use of Funds for Ratepayer Benefit (P)
11 / New York State Lifeline Program (P)

Transportation, Department of
11 / Erratum
12 / Regulation of Commercial Motor Carriers in New York State (P)

Hearings Scheduled for Proposed Rule Makings / 15
Action Pending Index / 17

Securities Offerings
61 / State Notices

Advertisements for Bidders/Contractors
63 / Sealed Bids

Miscellaneous Notices/Hearings
67 / Notice of Abandoned Property Received by the State Comptroller
67 / Public Notice

Executive Orders
69 / Executive Order No. 168.8: Continuing the Declaration of a Disaster of Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.
69 / Executive Order No. 175: Ensuring Net Neutrality Protections For New Yorkers.

73 / Executive Order No. 176: Declaring a Disaster Emergency in the State of New York and Expanding Access to Immunize Children Against Seasonal Influenza.
70 / Executive Order No. 177: Prohibiting State Contracts With Entities That Support Discrimination.

Court Notices
73 / Uniform Rules for Courts Exercising Criminal Jurisdiction

RULE MAKING ACTIVITIES

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

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

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

Education Department

EMERGENCY RULE MAKING

Licensing of Pathologists' Assistants

I.D. No. EDU-48-17-00005-E
Filing No. 212
Filing Date: 2018-02-26
Effective Date: 2018-02-26

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

Action taken: Amendment of section 29.2; addition of sections 52.48, 79-20.4 and 79-20.5 to Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 212, 6504, 6507, 6509, 8850, 8851, 8852, 8853, 8854, 8855, 8856; L. 2016, ch. 497

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

Specific reasons underlying the finding of necessity: The proposed rule is necessary to implement Chapter 497 of the Laws of 2016, which is effective, except for one provision, on November 28, 2017[1]. This amendment added Article 168 to the Education Law, which establishes and defines the practice of the profession of licensed pathologists' assistants. Pursuant to Chapter 497, pathologists' assistants provide the following services under the direction and supervision of a licensed physician who practices anatomic pathology: (1) preparing gross tissue sections for pathology analysis, which includes, but is not limited to, cutting, staining as required, describing gross anatomic features, dissecting surgical specimens, and submitting tissues for bio-banking, histologic processing, or other analyses; and (2) performing human postmortem examinations, which includes, but is not limited to, selection of tissues and fluids for further examination, external examination, dissection, and gathering and recording information for autopsy reports. Chapter 497 also establishes the requirements for licensed pathologists' assistant education programs offered in New York State that lead to licensure as a licensed pathologists' assistant. In addition, this amendment to the Education Law establishes requirements for the licensure of licensed pathologists' assistants, which include education, examination, age, moral character, fee and limited permit requirements. This amendment to the Education Law further provides for a grandparenting licensure pathway for individuals who meet the requirements for a license as a pathologists' assistant, except for the education and examination requirements, and who have been performing the duties of a pathologists' assistant for two of the five years prior to the effective date of Article 168 of the Education Law, if they submit an application to the Department prior to November 28, 2019, and provided their supervising physician, who must practice anatomic pathology, attests to their experience and competence. Although this pathway will expire on November 27, 2019, the licenses issued under it will not. Additionally, this amendment adds the profession of licensed pathologists' assistant to the list of health care professionals that are subject to the Education Laws' unprofessional conduct provisions.

Prior to Chapter 497, pathologists' assistants were neither licensed as a profession nor defined in Education Law. Thus, in order to practice, many pathologists' assistants practiced under the limited license authority for clinical laboratory technologists and certified histological technicians pursuant to Chapter 336 of the Laws of 2013 as amended by Chapter 194 of the Laws of 2016. However, under Chapter 194 of the Laws of 2016, these limited licenses and registrations will expire on September 1, 2018. Chapter 497 remedies this situation by establishing a new licensure category for pathologists' assistants in the Education Law. Therefore, it is imperative for pathologists' assistants to become licensed in accordance with Article 168 of the Education Law before the expiration of their respective limited licenses.

The proposed amendment was presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency action at the November 2017 meeting of the Board of Regents, effective November 28, 2017. A Notice of Proposed Rulemaking was published in the State Register on November 29, 2017. Because the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the March 12-13, 2018 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the February meeting, would be March 28, 2018, the date a Notice of Adoption would be published in the State Register[2]. However, the November emergency rule will expire on February 25, 2018. If the rule were to lapse, the Department would be unable to continue to license the pathologists' assistant applicants that have satisfied all the grandparenting licensure pathway requirements.

Therefore, emergency action is necessary at the January 2018 Regents meeting for the preservation of the public health and the general welfare in order to enable the State Education Department to continue to review applications for licensure under the grandparenting licensure pathway, so that applicants for licensure as licensed pathologists' assistants, including those who currently hold limited licenses for clinical laboratory technologists and certified histological technicians which expire on September 1, 2018, will be able to be licensed as licensed pathologists' assistants, if they meet the licensure requirements of the proposed rule, which will increase the number of licensed professionals qualified to practice as licensed pathologists' assistants.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the March 12-13, 2018 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period prescribed in the State Administrative Procedure Act for State agency rule makings.

[1] Education Law § 8852 becomes effective November 28, 2018.

[2] Except for one provision, the provisions of Chapter 497 became effective November 28, 2017.

Subject: Licensing of Pathologists' Assistants.

Purpose: Establishes requirements for licensure including professional education, examination, fee and limited permit requirements.

Text of emergency rule: 1. Subdivision (a) of section 29.2 of the Rules of the Board of Regents is amended, as follows:

(a) Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, certified dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed behavior analyst, *licensed pathologists' assistants,* licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991):

(1) . . .
(2) . . .
(3) . . .
(4) . . .
(5) . . .
(6) . . .
(7) . . .
(8) . . .
(9) . . .
(10) . . .
(11) . . .
(12) . . .
(13) . . .
(14) . . .

2. Section 52.48 of the Regulations of the Commissioner of Education is added, as follows:

§ 52.48 Licensed Pathologists' Assistants

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a pathologists' assistant, which meets the requirements of section 79-20.1 of this Title, the program shall:

(a) be a pathologists' assistant program or a substantially equivalent program as determined by the department, which leads to a bachelor's or higher degree;

(b) include courses in each of the following subjects or their equivalent as determined by the department:

(1) practices in anatomic pathology, which shall encompass surgical and autopsy pathology, including, but not limited to:
(i) principles and methodologies;
(ii) performance of procedures;
(iii) correlation of clinical information and gross pathology with proper technique;
(iv) problem solving;
(v) troubleshooting techniques;
(vi) principles and practices of quality assurance/quality improvement; and
(vii) laboratory management;
(2) anatomy and basic microanatomy;
(3) human physiology;
(4) anatomic pathology, including, but not limited to:
(i) surgical pathology techniques:
(a) adult; and
(b) pediatric;
(ii) autopsy techniques:
(a) medical autopsy techniques;
(1) adult; and
(2) pediatric;
(b) forensic autopsy techniques:
(1) adult;
(2) pediatric; and
(3) toxicology collection techniques;
(iii) histological methods and techniques:
(a) concepts of immunohistochemistry;
(iv) concepts of molecular diagnostics;
(v) microbiology/immunology;
(vi) clinical pathology;
(vii) embryology;
(viii) laboratory safety;
(ix) laboratory information systems;
(x) laboratory management;
(xi) medical ethics;
(xii) medical terminology; and
(xiii) biomedical photography;

(5) application of laboratory safety governmental regulations and standards as applied to anatomic pathology, including, but not limited to:
(i) principles and practices of professional conduct;
(ii) principles of interpersonal and interdisciplinary communication and team-building skills;
(iii) principles and practices of administration and supervision as applied to clinical laboratory science; and
(iv) educational methodologies;

(6) learning experiences, including, but not limited to courses, practica and/or other required activities, must be properly sequenced and include necessary content and activities to enable students to achieve entry level competencies in each of the major disciplines listed in this section.

SUBPART 79-20

LICENSED PATHOLOGISTS' ASSISTANTS

§ 79-20.4 Limited permits.

As authorized in section 8855 of the Education Law, the department may issue a limited permit to practice as a licensed pathologists' assistant in accordance with the requirements of this section.

(a) An applicant for a limited permit to practice as a licensed pathologists' assistant shall:

(1) file an application with the department on a form prescribed by the department together with a fee of $105 for the limited permit;

(2) meet all the requirements for licensure as a licensed pathologists' assistant, except the examination requirement; and

(3) practice as a pathologists' assistant only under the direction and supervision of a licensed physician who practices anatomic pathology and pursuant to the order and direction of that licensed physician.

(b) The limited permit in pathologists' assistant shall be valid for a period of not more than 12 months, provided that a limited permit may be extended for an additional 12 months at the discretion of the department for good cause as determined by the department. The time authorized by such limited permit and subsequent extension shall not exceed 24 months in total.

§ 79-20.5 Special provisions.

An individual who meets the requirements for a license as a licensed pathologists' assistant except for examination and education and who has been performing the duties of a pathologists' assistant for two of the past five years prior to November 28, 2017 may be licensed without meeting additional requirements, provided that such individual submits an application to the department on or before November 27, 2019. As part of the application, the applicant's supervising physician or physicians, who practice anatomic pathology, must attest to the applicant's experience and competence.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-48-17-00005-P, Issue of November 29, 2017. The emergency rule will expire April 26, 2018.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

Subdivision (3) of section 212 of the Education Law authorizes the Department to charge fees for other certifications or permits for which fees are not otherwise provided, as fixed by regulations of the Department.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Subparagraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Subdivision (9) of section 6509 of the Education Law authorizes the Board of Regents to define unprofessional conduct in the professions.

Section 8850 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes and defines the new profession of licensed pathologists' assistants.

Section 8851 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes protection of the title "pathologists' assistant."

Section 8852 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes the education, examination, age, moral character, and fee requirements for applicants seeking licensure as licensed pathologists' assistants.

Section 8853 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes a time limited licensure pathway for individuals who meet the requirements for license as a licensed pathologists' assistant, except for examination and education, if they: have been performing the duties of a pathologists' assistant for two of the five years prior to the November 28, 2017 effective date of this statute; submit an application to the Department on or before November 27, 2019; and their supervising physician, who must practice anatomic pathology, attests to their experience and competence.

Section 8854 of the Education Law, as added by Chapter 497 of the Laws of 2016, authorizes the Board of Regents, upon the recommendation of the Commissioner, to appoint a State Committee for Pathologists' Assistants, as a committee of the State Board of Medicine, to advise solely on matters relating to pathologists' assistants, and to assist on matters of licensing and professional conduct.

Section 8855 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes the limited permit requirements for applicants for licensure as licensed pathologists' assistants.

Section 8856 of the Education Law, as added by Chapter 497 of the Laws of 2016, establishes exemptions from the licensed pathologists' assistant licensure requirements.

2. LEGISLATIVE OBJECTIVES:

The proposed rule carries out the legislative intent of the aforementioned statutes that the Board of Regents and the Department regulate the practice of the professions for the benefit of the public. The proposed rule will conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 497 of the Laws of 2016, which added Article 168 to the Education Law, by establishing the requirements for licensure as a licensed pathologists' assistant, which include, but are not limited to, professional education, examination, fee and limited permit requirements. The proposed rule also implements the statute by subjecting licensed pathologists' assistants to the general unprofessional conduct provisions for the health professions. In addition, the proposed rule implements the statute by establishing the program registration requirements for licensed pathologists' assistants' education programs, which include registration and curriculum requirements for programs offered in New York State that lead to licensure.

Finally, Chapter 497 of the Laws of 2016 also provides a grandparenting licensure pathway for individuals who meet the requirements for a license as a licensed pathologists' assistant except for examination and education and who have been performing the duties of a pathologists' assistant for two of the five years prior to the November 28, 2017 effective date of Article 168 of the Education Law, if they submit an application to the Department on or before November 27, 2019, as long as their supervising physician, who must practice anatomic pathology, attests to their experience and competence. Although this pathway will expire, the licenses issued under it will not.

3. NEEDS AND BENEFITS:

The proposed rule is necessary to conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 497 of the Laws of 2016. Prior to Chapter 497, pathologists' assistants were neither a licensed profession nor defined in the Education Law. Thus, in order to practice, many pathologists' assistants practiced under the limited license authority for clinical laboratory technologists and certified histological technicians pursuant to Chapter 336 of the Laws of 2013 as amended by Chapter 194 of the Laws of 2016. However, under Chapter 194 of the Laws of 2016, these limited licenses and registrations will expire on September 1, 2018. Chapter 497 remedies this situation by establishing a new licensure category for pathologists' assistants in the Education Law. Therefore, it is imperative for pathologists' assistants to become licensed in accordance with Article 168 of the Education Law before the expiration of their respective limited licenses.

As required by statute, the proposed rule is also needed to establish the program registration requirements for pathologists' assistants' education programs offered in New York State that lead to licensure. Additionally, the proposed rule is needed to subject licensed pathologists' assistants to the general unprofessional conduct provisions for the health professions.

4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute, and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

(b) Costs to local government: There are no additional costs to local governments.

(c) Cost to private regulated parties: The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute. Pursuant sections 212, 8852(6) and 8855(4), the proposed amendment requires applicants to pay a fee of $50 for an initial license, a fee of $150 for the first registration period, a fee of $150 for each triennial registration period thereafter, and a fee of $105 for a limited permit. These fees are comparable to fees in other professions, such as the fees for licensed perfusionists. Higher education institutions that seek to register pathologists' assistants education programs with the Department, including those in rural areas, may incur costs related to the development and maintenance of such education programs and their registration. It is anticipated that such costs will be offset, at least in part, by student enrollment in any such programs.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute. Any associated costs to the Department will be offset by the fees charged to applicants and no significant cost will result to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule implements the requirements of Chapter 497 of the Laws of 2016, which amended the Education Law by establishing the standards for individuals to be licensed to practice as licensed pathologists' assistants and the standards for pathologists' assistants' education programs provided by higher education institutions to ensure that only those properly educated and prepared to be licensed pathologists' assistants hold themselves out as such. It does not impose any program, service, duty, or responsibility upon local governments.

6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

7. DUPLICATION:

The proposed rule is necessary to conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 497 of the Laws of 2016. There are no other state or federal requirements on the subject matter of this proposed rule. Therefore, the proposed rule does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 497 of the Laws of 2016. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:

Since, there are no applicable federal standards for pathologists' assistants' education programs, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The proposed rule is necessary to conform the Rules of the Board of Regents and the Regulations of the Commissioner of Education to Chapter 497 of the Laws of 2016. It is anticipated that regulated parties will be able to comply with the proposed amendments by the effective date.

Regulatory Flexibility Analysis

The proposed rule implements Chapter 497 of the Laws of 2016, which added Article 168 to the Education Law, by establishing the requirements for licensure as a licensed pathologists' assistant, which include, but are not limited to, professional education, examination, fee and limited permit requirements. The proposed rule also implements the statute's grandparenting licensure pathway for individuals who meet the requirements for a license as a licensed pathologists' assistant except for examination and education, if they satisfy other specified requirements. Additionally, the proposed rule implements the statute by subjecting licensed pathologists' assistants to the general unprofessional conduct provisions for the health professions. In addition, the proposed rule implements the statute by establishing the program registration requirements for pathologists' assistants' education programs, which include registration and curriculum requirements for programs offered in New York State that lead to licensure. The proposed rule is only applicable to prospective applicants for licensure as licensed pathologists' assistants and higher education institutions seeking to develop and register licensure qualifying pathologists' assistants' education programs. The proposed rule will not affect small businesses or local governments in New York State. The proposed rule will not impose new reporting, recordkeeping or any other compliance requirements, or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The proposed rule implements Chapter 497 of the Laws of 2016, which added Article 168 to the Education Law, by establishing the requirements for licensure as a licensed pathologists' assistant, which include, but are not limited to, professional education, examination, fee and limited permit requirements. The proposed rule also implements the statute's grandparenting licensure pathway for individuals who meet the requirements for a license as a licensed pathologists' assistant except for examination and education, if they satisfy other specified requirements. Additionally, the proposed rule implements the statute by subjecting licensed pathologists' assistants to the general unprofessional conduct provisions for the health professions. In addition, the proposed rule implements the statute by establishing the program registration requirements for pathologists' assistants' education programs, which include registration and curriculum requirements for programs offered in New York State that lead to licensure. The proposed rule is only applicable to prospective applicants for licensure as licensed pathologists' assistants and higher education institutions seeking to develop and register licensure qualifying pathologists' assistants' education programs. The proposed rule will not impose any adverse impact on rural areas and would not impose new reporting, recordkeeping or other compliance requirements on entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed rule will impact jobs or employment opportunities. This is because the proposed rule implements Chapter 497 of the Laws of 2016, which added Article 168 to the Education Law, by establishing the requirements for licensure as a licensed pathologists' assistant, which include, but are not limited to, professional education, examination, fee and limited permit requirements. The proposed rule also implements the statute's grandparenting licensure pathway for individuals who meet the requirements for a license as a licensed pathologists' assistant except for examination and education, if they satisfy other specified requirements. Additionally, the proposed rule implements the statute by subjecting licensed pathologists' assistants to the general unprofessional conduct provisions for the health professions. In addition, the proposed rule implements the statute by establishing the program registration requirements for pathologists' assistants' education programs, which include registration and curriculum requirements for programs offered in New York State that lead to licensure. The proposed rule is only applicable to prospective applicants for licensure as licensed pathologists' assistants and higher education institutions seeking to develop and register licensure qualifying pathologists' assistants' education programs. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

EMERGENCY RULE MAKING

Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

I.D. No. DFS-25-17-00002-E
Filing No. 210
Filing Date: 2018-02-23
Effective Date: 2018-02-23

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

Action taken: Amendment of Part 52 (Regulation 62) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2606, 2607, 2608, 3201, 3221(h), 3231(a), 3232(g), (h), 3240(b), (d), 4303(ll), 4317(a), 4318(g), (h) and 4328(b)(1)

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

Specific reasons underlying the finding of necessity: There is a movement underway in Congress to repeal and replace the federal Affordable Care Act ("ACA"), including the requirement that issuers cover essential health benefits ("EHB"), such as benefits for maternity and newborn care and mental health and substance use disorder services, and the prohibition against discrimination in the issuance and rating of accident and health insurance because of factors such as race, color, national origin, sex, age, and disability. This rule would require every individual and small group accident and health insurance policy or contract (other than a grandfathered health plan) delivered or issued for delivery in New York that provides hospital, surgical, or medical expense coverage and every student accident and health insurance policy or contract delivered or issued for delivery in New York to provide coverage of at least the enumerated ten categories of EHB if the EHB provisions in 42 U.S.C. § 18022 and 45 C.F.R. 156.100 et seq. are no longer in effect or are modified as determined by the Superintendent of Financial Services. This will ensure that people covered under individual, small group, and student accident and health insurance policies and contracts will continue to have coverage for these important benefits.

In addition, the rule would, with regard to an individual or small group accident and health insurance policy that provides hospital, surgical, or medical expense coverage and a student accident and health insurance policy or contract delivered or issued for delivery in New York State, reaffirm that an issuer is prohibited from discriminating because of race, color, creed, national origin, sex, age, marital status, disability, or a preexisting condition, and clarify the scope of such prohibitions.

For the public health and general welfare, the Department is promulgating this rule on an emergency basis in the event that Congress repeals the ACA.

Subject: Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

Purpose: To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies.

Text of emergency rule: A new subdivision 52.1(q) is added as follows:

(q)(1) The federal Patient Protection and Affordable Care Act ("ACA") requires all individual and small group accident and health insurance policies delivered or issued for delivery in this State that provide hospital, surgical, or medical expense coverage and are not grandfathered health plans, and all student accident and health insurance policies delivered or issued for delivery in this State to include coverage for ten categories of essential health benefits. The essential health benefits provide a set of minimum standards that ensure that all individual and small group accident and health insurance policies that provide hospital, surgical, or medical expense coverage and are not grandfathered health plans, and all student accident and health insurance policies provide their insureds with comprehensive coverage for medically necessary care. Independent of the ACA, the Insurance Law and this Title include broad protections to ensure that all accident and health insurance coverage sold in this State is comprehensive and that insurers shall not discriminate against residents of this State based on race, color, creed, national origin, sex, age, marital status, disability, or preexisting condition.

(2) It is the policy of this State that all individual and small group accident and health insurance policies that provide hospital, surgical, or medical expense coverage and are not grandfathered health plans, and all student accident and health insurance policies provide insureds with essential health benefits and that insurers shall not discriminate against residents of this State based on race, color, creed, national origin, sex, age, marital status, disability, or preexisting condition, whether in issuing policies or setting premiums. Accordingly, irrespective of any changes to the essential health benefit rules in the ACA, as set forth in section 52.71 of this Part, this State will continue to require that individual and small group accident and health insurance policies that provide hospital, surgical, or medical expense coverage and are not grandfathered health plans, and student accident and health insurance policies cover the same essential health benefits and be subject to the same benchmark plan and model contract rules as currently apply. Similarly, irrespective of any changes to the anti-discrimination rules in the ACA, as set forth in section 52.72 of this Part, this State will continue to ensure that all New York insureds covered by individual and small group accident and health insurance policies that provide hospital, surgical, or medical expense coverage and student accident and health insurance policies are not subject to discrimination based on race, color, creed, national origin, sex, age, marital status, disability, or preexisting condition.

A new section 52.71 is added as follows:

§ 52.71 Essential health benefits.

(a) Every individual and small group accident and health insurance

policy that provides hospital, surgical, or medical expense coverage and is not a grandfathered health plan, and every student accident and health insurance policy shall provide coverage of at least the following essential health benefits:

(1) ambulatory patient services, such as office visits, ambulatory surgical services, dialysis, radiology services, chemotherapy, infertility treatment, abortion services, hospice care, and diabetic equipment, supplies and self-management education;

(2) emergency services, such as emergency room services, urgent care services, and ambulance services;

(3) hospitalization, such as preadmission testing, inpatient physician and surgical services, hospital care, skilled nursing facility care, and hospice care;

(4) maternity and newborn care, such as delivery, prenatal and postnatal care, and breastfeeding education and equipment;

(5) mental health and substance use disorder services, including behavioral health treatment, such as inpatient and outpatient services for the diagnosis and treatment of mental, nervous and emotional disorders including maternal depression, screening, diagnosis and treatment for autism spectrum disorder, and inpatient and outpatient services for the diagnosis and treatment of substance use disorder;

(6) prescription drugs, such as coverage for generic, brand name and specialty drugs, enteral formulas, contraceptive drugs and devices, abortifacient drugs, and orally administered anti-cancer medication;

(7) rehabilitative and habilitative services and devices, such as durable medical equipment, medical supplies, prosthetic devices, hearing aids, chiropractic care, physical therapy, occupational therapy, speech therapy, and home health care;

(8) laboratory services, such as diagnostic testing;

(9) preventive and wellness services and chronic disease management, such as well child visits, immunizations, mammography, gynecological exams including cervical cytology screening, bone density measurements or testing, and prostate cancer screening; and

(10) pediatric services, including oral and vision care, such as preventive and routine pediatric vision and dental care, and prescription lenses and frames.

(b) The scope of the minimum benefits covered as essential health benefits pursuant to subdivision (a) of this section shall be equal to the benefits provided by the benchmark plan selected by the superintendent as the New York Benchmark Plan in accordance with this section.

(c) Subject to subdivisions (d) and (e) of this section, the superintendent may select the New York Benchmark Plan in consultation with the commissioner of health from any of the following plans:

(1) Small group market health plan. The largest health plan by enrollment in any of the three largest small group insurance products by enrollment in the small group market in this state;

(2) State employee health benefit plan. Any of the largest three employee health benefit plan options by enrollment offered and generally available to state employees in this state;

(3) FEHBP plan. Any of the largest three national Federal Employees Health Benefits Program (FEHBP) plan options by aggregate enrollment that is offered to all health-benefits-eligible federal employees under 5 U.S.C. section 8903;

(4) HMO. The coverage plan with the largest insured commercial non-Medicaid enrollment offered by a health maintenance organization operating in this State; or

(5) Any other plan identified by the superintendent as a typical employer plan providing the coverage of essential health benefits required by this section.

(d)(1) In order to be eligible to be selected as the New York Benchmark Plan, a plan shall provide coverage of at least the categories of benefits identified in subdivision (a) of this section.

(2) Coverage in each benefit category. A plan not providing any coverage in one or more of the categories described in paragraph (1) of this subdivision may be selected as the New York Benchmark Plan if the plan is supplemented as follows:

(i) General supplementation methodology. A plan that does not include items or services within one or more of the categories described in subdivision (a) of this section shall be supplemented by the addition of the entire category of such benefits offered under any other benchmark plan option described in subdivision (c) of this section unless otherwise described in this subdivision.

(ii) Supplementing pediatric oral services. A plan lacking the category of pediatric oral services shall be supplemented by the addition of the entire category of pediatric oral benefits from one of the following:

(a) The Federal Employees Dental/Vision Program ("FEDVIP") dental plan with the largest national enrollment that is described in and offered to federal employees under 5 U.S.C. section 8952; or

(b) The benefits available under that State's separate Children's Health Insurance Program ("CHIP") plan, if a separate CHIP plan exists, to the eligibility group with the highest enrollment.

(iii) Supplementing pediatric vision services. A plan lacking the category of pediatric vision services shall be supplemented by the addition of the entire category of pediatric vision benefits from one of the following:

(a) The FEDVIP vision plan with the largest national enrollment that is offered to federal employees under 5 U.S.C. section 8982; or

(b) The benefits available under the State's separate CHIP plan, if a separate CHIP plan exists, to the eligibility group with the highest enrollment.

(e) The superintendent may issue model contract language identifying the coverage requirements for all individual and small group accident and health insurance policies that provide hospital, surgical, or medical expense coverage and all student accident and health insurance policies delivered or issued for delivery in this State.

(f) The model language issued by the superintendent summarizes the federal and state laws and rules that are applicable to health insurance policies delivered or issued for delivery in this State, including the requirement that the policies include coverage for essential health benefits required by the federal Patient Protection and Affordable Care Act. Every individual and small group accident and health insurance policy that provides hospital, surgical, or medical expense coverage and every student accident and health insurance policy delivered or issued for delivery in this State shall comply with the federal and state laws and rules that are applicable to health insurance policies issued in New York State as set forth in the model language.

(g) Except for subdivisions (e) and (f) of this section, the provisions of this section shall not be applicable unless and until the essential health benefits provision in 42 U.S.C. section 18022 and 45 C.F.R. 156.100 et seq. are no longer in effect or are modified as determined by the superintendent.

A new section 52.72 is added as follows:

§ 52.72 Nondiscrimination on the basis of race, color, creed, national origin, sex, age, marital status, disability, or preexisting condition.

(a) With regard to an individual or small group accident and health insurance policy that provides hospital, surgical, or medical expense coverage and a student accident and health insurance policy delivered or issued for delivery in this State, no insurer shall, because of race, color, creed, national origin, sex, age, marital status, disability, or preexisting condition:

(1) make any distinction or discrimination between persons as to the premiums or rates charged for the policy or in any other manner whatever;

(2) demand or require a greater premium from any person than it requires at that time from others in similar cases;

(3) make or require any rebate, discrimination or discount upon the amount to be paid or the service to be rendered on any policy;

(4) insert in the policy any condition, or make any stipulation, whereby the insured binds his or herself, or his or her heirs, executors, administrators or assigns, to accept any sum or service less than the full value or amount of such policy in case of a claim thereon except such conditions and stipulations as are imposed upon others in similar cases; and any such stipulation or condition so made or inserted shall be void;

(5) reject any application for a policy issued or sold by it;

(6) cancel or refuse to issue, renew or sell such policy after appropriate application therefor; or

(7) fix any lower rate or discriminate in the fees or commissions of insurance agents or insurance brokers for writing or renewing such a policy.

(b) For the purposes of this section, "disability" shall have the same meaning set forth in Executive Law section 292(21).

(c)(1) Discrimination because of national origin shall include discrimination based on an individual's, or his or her ancestor's, place of origin (such as country or world region) or an individual's manifestation of the physical, cultural, or linguistic characteristics of a national origin group.

(2) Discrimination because of sex shall include discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, or recovery therefrom, childbirth or related medical conditions, sex stereotyping, and gender identity.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. DFS-25-17-00002-EP, Issue of June 21, 2017. The emergency rule will expire April 23, 2018.

Text of rule and any required statements and analyses may be obtained from: Nathaniel Dorfman, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 709-5538, email: Nathaniel.Dorfman@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law §§ 202 and 302 and Insurance Law §§ 301, 2606, 2607, 2608, 3201, 3217, 3221(h), 3231(a),

3232(g) and (h), 3240(b) and (d), 4303(ll), 4317(a), 4318(g) and (h), and 4328(b)(1).

Financial Services Law § 202 establishes the office of the Superintendent of Financial Services ("Superintendent"). Financial Services Law § 302 and Insurance Law § 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Insurance Law § 2606 prohibits discrimination because of race, color, creed, national origin, or disability, Insurance Law § 2607 prohibits discrimination because of sex or marital status, and Insurance Law § 2608 prohibits discrimination because of treatment for a mental disability.

Insurance Law § 3201 requires a policy form delivered or issued for delivery in New York to be filed with and approved by the Superintendent.

Insurance Law § 3217 requires the Superintendent to issue such regulations as the Superintendent deems necessary or desirable to establish minimum standards for the form, content and sale of accident and health insurance policies and subscriber contracts offered by a corporation authorized under Insurance Law Article 43 and entities licensed pursuant to Public Health Law article 43.

Insurance Law §§ 3221(h), 3240(d), 4303(ll), and 4328(b)(1) require an individual or small group health insurance policy or contract delivered or issued for delivery in New York, including a health maintenance organization ("HMO") contract (other than a grandfathered health plan), that provides hospital, medical or surgical expense coverage, and a student accident and health policy or contract delivered or issued for delivery in New York, to provide coverage for essential health benefits ("EHB") as defined in 42 U.S.C. § 18022(b).

Insurance Law §§ 3231(a) and 4317(a) require an individual and small group health insurance policy or contract, including an HMO contract, to be community rated.

Insurance Law §§ 3232(g) and (h), 3240(b), and 4318(g) and (h) prohibit an issuer from imposing any preexisting condition exclusion in any individual, group or blanket health insurance policy or contract, including an HMO contract, that provides hospital, medical or surgical expense coverage and is not an individual grandfathered health plan and any student accident and health insurance policy or contract.

2. Legislative objectives: Insurance Law §§ 3221(h), 3240(d), 4303(ll), and 4328(b)(1) require an individual or small group policy or contract delivered or issued for delivery in New York (other than a grandfathered health plan) that provides coverage for hospital, medical or surgical expense, and a student accident and health insurance policy or contract delivered or issued for delivery in New York, to provide coverage for EHB defined in 42 U.S.C. § 18022(b). In addition, Insurance Law §§ 3232(g) and (h), 3240(b), and 4318(g) and (h) prohibit an issuer from imposing any preexisting condition exclusion in any individual, group or blanket health insurance policy or contract that provides hospital, medical or surgical expense coverage and is not a grandfathered health plan and in any student accident and health insurance policy or contract. Insurance Law Article 26 prohibits discrimination because of race, color, creed, national origin, disability, sex, or marital status.

This rule accords with the public policy objectives that the Legislature sought to advance in Insurance Law §§ 3221(h), 3240(d), 4303(ll), 4328(b)(1) by requiring every individual and small group accident and health insurance policy or contract delivered or issued for delivery in New York that provides hospital, surgical, or medical expense coverage (other than a grandfathered health plan), and every student accident and health insurance policy or contract delivered or issued for delivery in New York, to provide coverage of at least the enumerated ten categories of EHB if the EHB provision in 42 U.S.C. § 18022 and 45 C.F.R. 156.100 et seq. are no longer in effect or are modified as determined by the Superintendent.

This rule also accords with the public policy objectives that the Legislature sought to advance in Insurance Law Article 26, which prohibits an issuer from discriminating because of race, color, creed, national origin, sex, age, marital status, disability, or a preexisting condition with respect to an individual or small group accident and health insurance policy or contract that provides hospital, surgical, or medical expense coverage or a student accident and health insurance policy or contract.

3. Needs and benefits: There is movement underway in Congress to repeal and replace the federal Affordable Care Act ("ACA"), including the requirement that issuers cover EHB, such as benefits for maternity and newborn care and mental health and substance use disorder services, and the prohibition against discrimination in the issuance and rating of accident and health insurance because of factors such as race, color, national origin, sex, age, and disability. This rule would require every individual and small group accident and health insurance policy or contract (other than a grandfathered health plan) delivered or issued for delivery in New York that provides hospital, surgical, or medical expense coverage and every student accident and health insurance policy or contract delivered or issued for delivery in New York to provide coverage of at least the enumerated ten categories of EHB if the EHB provisions in 42 U.S.C. § 18022 and 45 C.F.R. 156.100 et seq. are no longer in effect or are modified as determined by the Superintendent. This will ensure that people covered under individual, small group, and student accident and health insurance policies and contracts will continue to have coverage for these important benefits.

In addition, the rule would, with regard to an individual or small group accident and health insurance policy that provides hospital, surgical, or medical expense coverage and a student accident and health insurance policy or contract delivered or issued for delivery in New York State, reaffirm that an issuer is prohibited from discriminating because of race, color, creed, national origin, sex, age, marital status, disability, or a preexisting condition and to clarify the scope of such prohibitions.

4. Costs: This rule will not impose compliance costs on issuers because it only continues the existing protections provided under the ACA.

The Department will not incur costs for the implementation and continuation of this rule.

This rule does not impose compliance costs on state or local governments.

5. Local government mandates: This rule does not impose any program, service, duty, or responsibility upon a county, city, town, village, school district, fire district, or other special district.

6. Paperwork: This rule does not impose any reporting requirements, including forms and other paperwork.

7. Duplication: With regard to the section in the rule that pertains to EHB, it does not duplicate or conflict with any existing state or federal rules or other legal requirements because it only applies if Congress repeals the ACA. With regard to the section in the rule that pertains to nondiscrimination, there is some duplication and overlap with Insurance Law Article 26.

8. Alternatives: The Department considered not promulgating the rule. However, the Department is concerned about the negative impact on consumers if the protections under the ACA are repealed. As a result, the Department determined that it is necessary to promulgate this rule requiring coverage of EHB and continuing to prohibit discrimination for the individual and small group health insurance markets and for student accident and health insurance.

Another alternative considered by the Department was to implement the amendment immediately. However, if the ACA remains in effect in its current form, then there is no need to implement mandating the EHB benefits in the regulation.

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

10. Compliance schedule: The Department is promulgating this rule on an emergency basis in the event that Congress repeals the ACA.

Regulatory Flexibility Analysis

Small businesses: The Department of Financial Services finds that this rule will not impose any adverse economic impact on small businesses and will not impose any reporting, recordkeeping, or other compliance requirements on small businesses. The basis for this finding is that this rule is directed at insurers and health maintenance organizations ("HMOs"), which do not fall within the definition of a "small business" as defined by State Administrative Procedure Act § 102(8), because in general they are not independently owned and do not have fewer than 100 employees.

Local governments: The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments. The basis for this finding is that this rule is directed at insurers and HMOs.

Rural Area Flexibility Analysis

1. Types and estimated number of rural areas: Insurers and health maintenance organizations ("HMOs") (collectively, "issuers") affected by this rule operate in every county in this state, including rural areas as defined by State Administrative Procedure Act § 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rule does not impose additional reporting, recordkeeping, and other compliance requirements on issuers located in rural areas. An issuer in a rural area should not need to retain professional services to comply with this rule.

3. Costs: This rule will not impose compliance costs on issuers, including issuers in rural areas.

4. Minimizing adverse impact: This rule uniformly affects issuers that are located in both rural and non-rural areas of New York State. The rule should not have an adverse impact on rural areas.

5. Rural area participation: The Department of Financial Services ("Department") is promulgating this rule on an emergency basis in the event that Congress repeals the ACA. Issuers in rural areas will have an opportunity to participate in the rule making process when the proposed rule is published in the State Register and posted on the Department's website.

Job Impact Statement

This rule should not adversely impact jobs or employment opportunities in New York State. This rule would require every individual and small group accident and health insurance policy or contract (other than a grandfathered health plan) delivered or issued for delivery in New York that provides hospital, surgical, or medical expense coverage and every student accident and health insurance policy or contract delivered or issued for delivery in New York to continue providing coverage of at least the enumerated ten categories of essential health benefits ("EHB") if the EHB provisions in 42 U.S.C. § 18022 and 45 C.F.R. 156.100 et seq. are no longer in effect or are modified as determined by the Superintendent of Financial Services. This will ensure that people covered under individual, small group, and student accident and health insurance policies and contracts will continue to have coverage for these important benefits.

In addition, the rule would, with regard to an individual or small group accident and health insurance policy that provides hospital, surgical, or medical expense coverage and a student accident and health insurance policy or contract delivered or issued for delivery in New York State, reaffirm that an issuer is prohibited from discriminating because of race, color, creed, national origin, sex, age, marital status, disability, or a preexisting condition and to clarify the scope of such prohibitions.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

NOTICE OF ADOPTION

Petition for Rehearing

I.D. No. PSC-36-16-00003-A
Filing Date: 2018-02-23
Effective Date: 2018-02-23

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

Action taken: On 2/22/18, the PSC adopted an order granting, in part, and otherwise denying, Fastrac Markets, LLC's (Fastrac) petition for rehearing of the July 14, 2016 Order Denying Petition.

Statutory authority: Public Service Law, sections 2(13), 5(1)(b), 22, 65, 66 and 68(1)

Subject: Petition for rehearing.

Purpose: To grant, in part, and otherwise deny Fastrac's petition for rehearing.

Substance of final rule: The Commission, on February 22, 2018, adopted an order granting, in part, and otherwise denying, Fastrac Markets, LLC's (Fastrac) petition for rehearing of the July 14, 2016 Order Denying Petition (2016 Order). Rehearing was granted to the limited extent that the 2016 Order incorrectly mischaracterized an argument made by Fastrac. Upon rehearing, the Commission determines that the incorrect statement did not have any material impact on the basis for the Commission's 2016 Order. The Commission also clarifies that although the text of the 2016 Order did recognize that the contract options offered by RED-Rochester LLC (RED) were intended in part to manage the risk of loss of load at the Kodak Park, the Commission did not make a specific finding that RG&E providing direct delivery service to Fastrac would constitute a loss of commodity load for RED. Finally, the Commission considered the other claims raised by Fastrac, and denies its petition for rehearing with respect to such matters, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(16-E-0057SA2)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-33-17-00015-A
Filing Date: 2018-02-22
Effective Date: 2018-02-22

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

Action taken: On 2/22/18, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 — Electricity, regarding electric energy storage systems.

Statutory authority: Public Service Law, sections 65(1), 66(1), (12)(a) and (14)

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to P.S.C. No. 10 — Electricity, regarding electric energy storage systems.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s tariff amendments to P.S.C. No. 10 – Electricity, to expand the circumstances under which electric energy storage systems would be able to export to its distribution system, effective March 1, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0458SA1)

NOTICE OF ADOPTION

Eligibility for VDER Tariffs

I.D. No. PSC-40-17-00010-A
Filing Date: 2018-02-22
Effective Date: 2018-02-22

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

Action taken: On 2/22/18, the PSC adopted an order directing the Joint Utilities to file tariff leaves expanding the eligibility for Value Stack compensation under the Value of Distributed Resources (VDER) tariff to projects with a capacity between 2 and 5 MW.

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

Subject: Eligibility for VDER tariffs.

Purpose: To direct the Joint Utilities to file tariffs expanding eligibility for Value Stack compensation under the VDER tariffs.

Substance of final rule: The Commission, on February 22, 2018, adopted an order directing Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Joint Utilities) to file tariff leaves expanding the eligibility for Value Stack compensation under the Value of Distributed Energy Resources tariff to projects with a capacity between 2 MW and 5 MW, consistent with the requirements in the body of this Order, on not less than 15 days' notice to become effective by April 1, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0751SA10)

NOTICE OF ADOPTION

ZEC Compliance Payment

I.D. No. PSC-44-17-00011-A
Filing Date: 2018-02-22
Effective Date: 2018-02-22

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

Action taken: On 2/22/18, the PSC adopted an order approving Astral Energy LLC's (Astral) petition to modify its Zero Emissions Credit (ZEC) compliance payment.

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

Subject: ZEC compliance payment.

Purpose: To approve Astral's petition to modify its ZEC compliance payment.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving Astral Energy LLC's (Astral) petition to modify its Zero Emissions Credit (ZEC) compliance payment. The New York State Energy Research and Development Authority (NYSERDA) is directed to suspend 64.4% of Astral Energy, LLC's (Astral) April 1, 2017 through March 31, 2018 Zero Emission Credit (ZEC) compliance obligation amount. Astral is directed to make all remaining monthly ZEC payments for the current compliance period at 35.6% of the originally calculated ZEC compliance obligation. The actual April 1, 2017 through March 31, 2018 compliance obligation amount will be trued-up by NYSERDA during the ZEC reconciliation period. NYSERDA shall absorb the ZEC revenue shortfall that will result from the suspension of a portion of Astral's ZEC obligation until the ZEC reconciliation occurs in September 2018. NYSERDA and Department of Public Service Staff are directed to fully develop and submit to the Commission for consideration, an implementation plan that would modify the way in which load serving entities (LSEs) remit ZEC payments to NYSERDA from a payment structure based on a fixed ZEC obligation, calculated using the LSE's historic share of the statewide to load, to a flexible, "pay-as-you-go" model, based on each LSE's known actual load, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(15-E-0302SA29)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-45-17-00004-A
Filing Date: 2018-02-26
Effective Date: 2018-02-26

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

Action taken: On 2/22/18, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 — Electricity, regarding interval data charges.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve Con Edison's tariff amendments to P.S.C. No. 10 — Electricity, regarding interval data charges.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to P.S.C. No. 10 — Electricity, to eliminate interval data charges for Energy Service Companies (ESCOs) and Direct Customers, effective March 1, 2018, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-E-0639SA1)

NOTICE OF ADOPTION

Petition for an Extension of Time

I.D. No. PSC-46-17-00005-A
Filing Date: 2018-02-22
Effective Date: 2018-02-22

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

Action taken: On 2/22/18, the PSC adopted an order denying Solar Alliance Freedom, Inc.'s (Solar Alliance) petition for an extension of time to pay construction costs under the New York State Standardized Interconnection Requirements (SIR).

Statutory authority: Public Service Law, sections 5(2), 65(1), (3), 66(1), (2), (3), (4), (5), (9), (12), 66-c, 66-j and 66-l

Subject: Petition for an extension of time.

Purpose: To deny Solar Alliance's petition for an extension of time to pay construction costs under the NYS SIR.

Substance of final rule: The Commission, on February 22, 2018, adopted an order denying Solar Alliance Freedom, Inc.'s petition for an extension of time to pay the construction cost down payment required under the New York State Standardized Interconnection Requirements for Distributed Generators 2 MW or Less, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(14-E-0151SA7)

NOTICE OF ADOPTION

Unsecured Debt Obligations

I.D. No. PSC-46-17-00007-A
Filing Date: 2018-02-23
Effective Date: 2018-02-23

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

Action taken: On 2/22/18, the PSC adopted an order approving New York American Water Company, Inc.'s (NYAW) petition to issue and sell up to $52 million of unsecured debt in one or more transactions, not later than March 31, 2021.

Statutory authority: Public Service Law, section 89-f

Subject: Unsecured debt obligations.

Purpose: To approve NYAW's petition to issue and sell up to $52 million of unsecured debt.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving New York American Water Company, Inc. (NYAW) to issue and sell up to $52.0 million of unsecured debt in one or more transactions, not later than March 31, 2021. The proceeds from the issuance of these securities shall only be used for the purposes described in Ordering Clause 2. For the purposes of the optional refunding of its outstanding unsecured debt, NYAW is authorized to issue up to $15.0 million of

unsecured debt, not later than March 31, 2021. The proceeds from the issuance of the securities authorized by this Order may be used only for a) the acquisition of property, the construction, completion, extension or improvement of NYAW's facilities or the improvement or maintenance of NYAW's service within New York State (to the extent such expenditures exceed funds originating from credits to the accumulated provision for depreciation, net salvage and accumulated deferred income taxes), b) for the discharge or lawful refunding of NYAW's obligations, or c) to reimburse NYAW's treasury for equivalent moneys expended for those purposes prior to March 31, 2017, provided that NYAW has kept its accounts and vouchers of such expenditures in such a manner as to enable us to ascertain the amount of moneys so expended and the purposes for which such expenditures were made, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(17-W-0618SA1)

NOTICE OF ADOPTION

Energy Service Company (ESCO) Eligibility

I.D. No. PSC-46-17-00008-A

Filing Date: 2018-02-23

Effective Date: 2018-02-23

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

Action taken: On 2/22/18, the PSC adopted an order approving MPower Energy, LLC (MPower) to continue to market to and enroll residential and non-residential customers if MPower abides by standards set in the Show Cause Order.

Statutory authority: Public Service Law, sections 4, 65 and 66

Subject: Energy Service Company (ESCO) eligibility.

Purpose: To approve MPower to continue ESCO eligibility.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving MPower Energy, LLC (MPower) to continue to provide Energy Service Company (ESCO) services by marketing to and enrolling residential and non-residential customers, if MPower abides by all proposed improvements to business practices and marketing standards set forth in MPower's second response to the Order Instituting Proceeding and to Show Cause, issued October 20, 2017 (Show Cause Order). MPower is also directed to ensure that all marketing practices and enrollments are completed in a manner consistent with the Public Service Law, the Commission's regulations and orders, including but not limited to the Uniform Business Practices. MPower is directed to report to the Department the detailed results of its investigation for each customer complaint sent to it by the Department, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(17-M-0552SA1)

NOTICE OF ADOPTION

Tranche Adjustments

I.D. No. PSC-48-17-00013-A

Filing Date: 2018-02-26

Effective Date: 2018-02-26

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

Action taken: On 2/22/18, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to make modifications to the sizes of Tranche 0/1 and Tranche 2.

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

Subject: Tranche adjustments.

Purpose: To approve National Grid's petition to make Tranche adjustments.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's petition to modify the sizes of Tranche 0/1 and Tranche 2 in its service territory, as established in the March 9, 2017 Order On Net Energy Metering Transition, Phase One of Value of Distributed Energy Resources, and Related Matters, to 139.915 MW and 157.085 MW, respectively, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(15-E-0751SA11)

NOTICE OF ADOPTION

Merger and Associated Cessation of Operations

I.D. No. PSC-49-17-00008-A

Filing Date: 2018-02-23

Effective Date: 2018-02-23

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

Action taken: On 2/22/18, the PSC adopted an order approving Vernon Telephone Company, Inc. (Vernon) and Oriskany Falls Telephone Corporation's (Oriskany) petition to transfer Oriskany's assets to Vernon.

Statutory authority: Public Service Law, section 108

Subject: Merger and associated cessation of operations.

Purpose: To approve Vernon and Oriskany's petition to transfer Oriskany's assets to Vernon.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving Vernon Telephone Company, Inc. (Vernon) and Oriskany Falls Telephone Corporation's (Oriskany) petition to transfer Oriskany's assets to Vernon pursuant to Public Service Law § 99(2). Vernon is authorized to amend its Certificate of Public Convenience and Necessity to reflect the addition of serving the customers of Oriskany. Oriskany is authorized to cancel its Certificate of Public Convenience and Necessity, and pursuant to Public Service Law § 108, file a certificate of dissolution with the Department of State, 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, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(17-C-0608SA1)

NOTICE OF ADOPTION

Certain Waivers in Connection with a Cable Television Franchise

I.D. No. PSC-51-17-00013-A
Filing Date: 2018-02-23
Effective Date: 2018-02-23

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

Action taken: On 2/22/18, the PSC adopted an order approving Frontier Communications of New York's (Frontier) petition for certain waivers in connection with its proposed cable television agreement with the Village of Wurtsboro.

Statutory authority: Public Service Law, sections 215, 216 and 221

Subject: Certain waivers in connection with a cable television franchise.

Purpose: To approve Frontier's petition for certain waivers in connection with a cable television franchise.

Substance of final rule: The Commission, on February 22, 2018, adopted an order approving Citizens Telecommunications Company of New York, Inc. d/b/a Frontier Communications of New York's petition for limited waivers of certain of the Commission's rules in Parts 890 and 895 associated with its proposed cable television agreement with the Village of Wurtsboro, Sullivan County, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(17-V-0709SA1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Use of Funds for Ratepayer Benefit Programs

I.D. No. PSC-11-18-00002-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 on how to use $1.98 million in funds for the benefit of ratepayers described in a joint proposal between KeySpan Gas East Corp. d/b/a National Grid and Staff of the Department of Public Service.

Statutory authority: Public Service Law, sections 25, 25-a, 65 and 66

Subject: Use of funds for ratepayer benefit programs.

Purpose: To promote gas safety.

Substance of proposed rule: The Public Service Commission is considering a proposal on how to use $1.98 million in funds for the benefit of ratepayers as described in a joint proposal (JP), dated January 29, 2018, filed by the Department of Public Service (DPS) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI, National Grid). The proposed use of the funds would be as follows: $500,000 would be used to implement a National Grid public education campaign directed at small contractors and homeowners who perform home or other small renovation projects that could affect gas services. The campaign will include print, media, and direct mail contacts explaining that gas services and other utilities require attention (e.g., must be terminated) during home or other small renovations. The remaining $1.48 million would be used to further the replacement of excess flow valves (EFVs), the existence of which at the site of the February 11, 2015 gas incident at 29 Old Country Road, Water Mill, NY, would have reduced significantly the effects of the gas explosion. EFVs will be installed in areas where gas services: (1) do not currently have an EFV; (2) were installed prior to the requirement to have EFVs and, therefore, were not included in a replacement program; and/or (3) are not likely to be replaced in the near future (i.e., low on the replacement schedule) following a risk-based prioritization schedule. The pertinent pages of the JP 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 relief requested 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: May 13, 2018.

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

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

(15-G-0298SP1)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Use of Funds for Ratepayer Benefit

I.D. No. PSC-11-18-00003-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) for approval of its East Harlem incident expenditure plan.

Statutory authority: Public Service Law, sections 25, 25-a, 65 and 66

Subject: Use of funds for ratepayer benefit.

Purpose: To promote gas safety measures.

Substance of proposed rule: The Public Service Commission is considering the terms of a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison), on December 15, 2017, proposing the manner in which funds stemming from the Public Service Commission's Order Approving Settlement Agreement in Case 14-G-0201, issued February 16, 2017 (February Order), should be used for the benefit of gas customers. The Commission issued its February Order resolving litigation stemming from the March 12, 2014 gas incident at 1644 and 1646 Park Avenue, New York, New York (the 2014 Incident). The February Order provides, inter alia, that "Con Edison will credit to gas customers $25,052,000 in an interest-bearing account (the carrying costs to be applied at the Other Customer-Provided Capital Rate) ("Settlement Funds") to be used for the benefit of its gas customers." Con Edison's petition requests approval of its expenditure plan for the Settlement Funds and that the Commission allow for future cost adjustments, as needed, based on actual expenditure levels and consultation with Department of Public Service Gas Safety Staff. In addition to funding specific projects, Con Edison proposes to participate in community forums to present gas safety educational programs to the East Harlem community. Con Edison proposes to use the Settlement Funds as follows: Con Edison would provide to each New York City fire department company Remote Methane Leak Detectors (RMLDs) to assist first responders when called to gas leaks or incidents. Con Edison would also supply fire departments devices that allow venting of natural gas, which would be carried on fire trucks. Con Edison proposes to supply residential methane detectors to residents of the East Harlem neighborhood affected by the 2014 Incident. Further, Con Edison proposes that a pilot program be funded that would allow the company to remotely detect methane through an automated metering infrastructure communications system. In the East Harlem neighborhood affected by the 2014 Incident, Con Edison proposes infrastructure improvements that include: (1) installing sectionalizing valves and (2) rehabilitating all cast iron pipe that is larger than 12 inches in diameter. Finally, Con Edison would work with educational institutions for the next five years to: (1) develop for the East Harlem technical high school curriculum on gas safety and to fund internships for students; (2) work with the City University of the City of New York (CUNY) to develop gas safety educational materials for school-aged children; (3) work with CUNY to develop a gas safety education program for building superintendents through union-sponsored and non-union superintendent training; and (4) work with CUNY to conduct a behavioral economic study to better understand the factors that motivate children and adults to call 9-1-1 or Con Edison when they smell gas. The full text of the petition 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 relief requested 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: May 13, 2018.

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

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

(14-G-0201SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York State Lifeline Program

I.D. No. PSC-11-18-00004-P

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

Proposed Action: The Commission is considering a petition filed by TracFone Wireless, Inc. seeking approval to participate in the New York State Lifeline Program (Lifeline) and receive distributions from the Targeted Accessibility Fund (TAF) Administrator.

Statutory authority: Public Service Law, section 92-h

Subject: New York State Lifeline Program.

Purpose: To consider TracFone's petition seeking approval to participate in Lifeline.

Substance of proposed rule: The Public Service Commission is considering a petition filed by TracFone Wireless, Inc. seeking approval to participate in the New York State Lifeline Program and receive distributions from the Targeted Accessibility Fund (TAF) Administrator. TracFone specifically requests that the Commission (1) authorize TracFone to provide wireless Lifeline service pursuant to New York State's Lifeline program and (2) authorize TracFone to receive distributions from the TAF in the amount of $11.00 per household per month in order to fund TracFone's enhanced service offering. The full text of the petition 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 proposed petition 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: May 13, 2018.

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-C-0125SP1)

Department of Transportation

ERRATUM

A Notice of Proposed Rule Making, I.D. No. TRN-08-18-00001-P, pertaining to Regulation of Commercial Motor Carriers in New York State, published in the February 21, 2018 issue of the State Register contained incorrect text for the rule. The correct text follows:

17 NYCRR sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.3(f), 721.6, 750.3, 820.13, 845.0 and 855.2 are amended to read as follows:

17 NYCRR section 154-1.1.

(f) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *and Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR section 154-2.1.

(e) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49 *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *and Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR 720.12 Incorporation by reference.

(a) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR 721.3

(f) FMCSR. Drivers of passenger carrying vehicles that carry more than 15 passengers, including the driver, or with a gross vehicle weight rating of more than 10,000 pounds shall comply with the applicable Federal Motor Carrier Safety Regulations (FMCSR) of the Federal Highway Administration, including: 49 CFR part 382 - Controlled Substances and Alcohol Use and Testing, part 383 - Commercial Driver's License Standards; Requirements and Penalties, part 390 - Federal Motor Carrier Safety Regulations; General, subdivisions 391.21, except for (b)(12), 391.23, except for (b) and (c), 391.25, 391.27, except for (c) and (d), 391.41, 391.43 and 391.51, except for (b)(3), (b)(7) and (d)(4), of part 391 - Qualifications of Drivers, part 392 Driving of Commercial Motor Vehicles, part 393 - Parts and Accessories Necessary For Safe Operation, part 396 -Inspection, Repair, and Maintenance, except for subdivisions 396.3(a)(2) and (b)(4) and part 397 - Transportation of Hazardous Materials; Driving and Parking Rules. With respect to commercial drivers that are licensed with a passenger endorsement to operate a bus on an intrastate basis only, parts 390 to 397 shall not apply

to commercial drivers when operating a school bus, and the adopted portions of part 391 shall only apply to those drivers that received their initial commercial drivers license after the effective date of this regulation. With respect to hours of service of bus drivers, the requirements of section [723.10] 820.6 of this Title shall apply.

17 NYCRR 721.6. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Code of Federal Regulations, Title 49, *100 to 177, Parts 178 to 199,* [Parts 200 to 299, Parts 300 to 399, Parts 400 to 571 and Parts 572 to 999, revised as of October 1, 2013] *Parts 300 to 399, revised as of October 1, 2016* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 750.3. Minimum levels of financial responsibility for for-hire motor carriers of passengers.

The Commissioner of Transportation adopts part 387 of title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of passengers operating motor vehicles in interstate and foreign commerce. The provisions of the Code of Federal Regulations which have been incorporated by reference in this part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book entitled: Code of Federal Regulations, Title 49 Parts 300 to 399, revised as of October 1, 201[3]*6*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book[s] entitled: Title 49 Code of Federal Regulations *Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399* revised as of October 1, 201[3]*6*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 with payment by check or with payment by credit card at 866-512-1800. The full text of the Code of Federal Regulations is available in electronic format at www.ecfr.gov.*

Section 845.0. Applicability.

(b) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book entitled: Code of Federal Regulations, Title 49, Parts 300 to 399, revised as of October 1, 201[3]*6*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 855.2. Minimum levels of financial responsibility for interstate motor carriers of property.

Incorporation by reference. The Commissioner of Transportation adopts Part 387 of Title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of property operating motor vehicle in interstate and foreign commerce and motor carriers transporting hazardous materials, hazardous substances, or hazardous wastes in interstate, intrastate, or foreign commerce. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, [Parts 100 to 185, Parts 186 to 199, Parts 200 to 299 and Parts 300-399, revised as of October 1, 2013] *Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399 revised as of October 1, 2016*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

The Department of State apologizes for any confusion this may have caused.

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Regulation of Commercial Motor Carriers in New York State

I.D. No. TRN-11-18-00001-P

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

Proposed Action: This is a consensus rule making to amend sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.3(f), 721.6, 750.3, 820.13, 845.0(b) and 855.2 of Title 17 NYCRR.

Statutory authority: Transportation Law, sections 14(12), (18), 14-f(1)(a), 138(2), 140(2), art. 9-A; Vehicle and Traffic Law, arts. 19-A and 19-B

Subject: Regulation of commercial motor carriers in New York State.

Purpose: The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.

Text of proposed rule: 17 NYCRR sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.3(f), 721.6, 750.3, 820.13, 845.0(b) and 855.2 are amended to read as follows:

17 NYCRR sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.3(f), 721.6, 750.3, 820.13, 845.0(b) and 855.2 are amended to read as follows:

17 NYCRR section 154-1.1.

(f) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *and Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001*,* at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR section 154-2.1.

(e) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49 *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *and Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR 720.12 Incorporation by reference.

Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, *Parts 100 to 177, Parts 178 to 199,* [Parts 200 to 299, and Parts 300 to 399, revised as of October 1, 2013] *Parts 300 to 399 revised as of October 1, 2016,* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

17 NYCRR 721.3

(f) FMCSR. Drivers of passenger carrying vehicles that carry more than 15 passengers, including the driver, or with a gross vehicle weight rating of more than 10,000 pounds shall comply with the applicable Federal Motor Carrier Safety Regulations (FMCSR) of the Federal Highway Administration, including: 49 CFR part 382 - Controlled Substances and Alcohol Use and Testing, part 383 - Commercial Driver's License Standards; Requirements and Penalties, part 390 - Federal Motor Carrier Safety Regulations; General, subdivisions 391.21, except for (b)(12), 391.23, except for (b) and (c), 391.25, 391.27, except for (c) and (d), 391.41, 391.43 and 391.51, except for (b)(3), (b)(7) and (d)(4), of part 391 - Qualifications of Drivers, part 392 Driving of Commercial Motor Vehicles, part 393 - Parts and Accessories Necessary For Safe Operation, part 396 -Inspection, Repair, and Maintenance, except for subdivisions 396.3(a)(2) and (b)(4) and part 397 - Transportation of Hazardous Materials; Driving and Parking Rules. With respect to commercial drivers that are licensed with a passenger endorsement to operate a bus on an intrastate basis only, parts 390 to 397 shall not apply to commercial drivers when operating a school bus, and the adopted portions of part 391 shall only apply to those drivers that received their initial commercial drivers license after the effective date of this regulation. With respect to hours of service of bus drivers, the requirements of section [723.10] 820.6 of this Title shall apply.

17 NYCRR 721.6. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Code of Federal Regulations, Title 49, *100 to 177, Parts 178 to 199,* [Parts 200 to 299, Parts 300 to 399, Parts 400 to 571 and Parts 572 to 999, revised as of October 1, 2013] *Parts 300 to 399, revised as of October 1, 2016* published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 750.3. Minimum levels of financial responsibility for for-hire motor carriers of passengers.

The Commissioner of Transportation adopts part 387 of title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of passengers operating motor vehicles in interstate and foreign commerce. The provisions of the Code of Federal Regulations which have been incorporated by reference in this part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book entitled: Code of Federal Regulations, Title 49 Parts 300 to 399, revised as of October 1, 201[3]6, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book[s] entitled: Title 49 Code of Federal Regulations *Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399* revised as of October 1, 201[3]*6*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 with payment by check or with payment by credit card at 866-512-1800. The full text of the Code of Federal Regulations is available in electronic format at www.ecfr.gov.*

Section 845.0. Applicability.

(b) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the book entitled: Code of Federal Regulations, Title 49, Parts 300 to 399, revised as of October 1, 201[3]6, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Section 855.2. Minimum levels of financial responsibility for interstate motor carriers of property.

Incorporation by reference. The Commissioner of Transportation adopts Part 387 of Title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of property operating motor vehicle in interstate and foreign commerce and motor carriers transporting hazardous materials, hazardous substances, or hazardous wastes in interstate, intrastate, or foreign commerce. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, [Parts 100 to 185, Parts 186 to 199, Parts 200 to 299 and Parts 300-399, revised as of October 1, 2013] *Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399 revised as of October 1, 2016*, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Central Permit Office, 50 Wolf Road, Albany, NY 12232. They may [also] be purchased [from the Superintendent of Documents, Government Printing Office, Washington, DC 20401-0001.] *by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000.*

Text of proposed rule and any required statements and analyses may be obtained from: Alan Black, Legal Assistant 2, Department of Transportation, 50 Wolf Road, Albany, NY 12232, (518) 485-9953, email: alan.black@dot.ny.gov

Data, views or arguments may be submitted to: David Winans, Associate Counsel, Department of Transportation, 50 Wolf Road, Albany, NY 12232, (518) 457-2411, email: david.winans@dot.ny.gov

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

Consensus Rule Making Determination

The New York State Department of Transportation (NYSDOT) in partnership with the New York State Police Commercial Vehicle Enforcement personnel, engages in commercial motor vehicle enforcement activities under the federal Motor Carrier Safety Assistance Program (MCSAP), the regulatory guidelines for which are published in 49 CFR Part 350. MCSAP is a grant program that provides federal financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles. The Federal Motor Carrier Safety Administration sets the conditions for participation by states and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the federal motor carrier safety regulations and federal hazardous material regulations for both interstate and intrastate motor carriers and drivers. Per 49 USCS section 31102, the goal is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by, among other things, adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with federal requirements. Pursuant to implementation of said goal under 49 USCS section 31136, the Secretary of Transportation shall adopt regulations on commercial motor vehicle safety. At a minimum, the regulations shall ensure the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely so that the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

Per 49 CFR 350.355, FMCSA may initiate a proceeding to withdraw Plan approval or withhold MCSAP funds in accordance with 49 CFR 320.215 under certain circumstances, one of which occurs when a State fails to adopt a new federal motor carrier safety regulation (FMCSR) or hazardous material regulation (HMR) or an amendment to an existing FMCSR or HMR within 3 years of its effective date. NYSDOT last incorporated such federally consistent standards in January 2015. Since then, new rules have been put into effect regarding Electronic Logging Devices (ELD), which function to document hours of service compliance on commercial vehicle operators. A component of said regulations implemented by 49 CFR Part 395 under the statutory authority of 49 USCS section 31137 mandates ELD requirements that a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements be equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and that in general, such regulations shall allow law enforcement to access the data contained in the device during a road side inspection via a secure process for standardized data transfer and transportability for said law enforcement officers. Per 49 USCS section 31141(c), states may enforce regulations with the same effect and 17 NYCRR 820.6 makes 49 CFR 395 applicable to all motor carriers and drivers operating intrastate, with limited enumerated exceptions. Per 49 USCS section 31142(d), states are not prohibited from making random inspections of commercial motor vehicles to confirm compliance to operate within the mandatory prescriptions of MCSAP.

Per the preceding, NYSDOT has determined that no person is likely to object to the amendment of 17 NYCRR parts as herein proposed, as pursuant to SAPA section 102(11)(b), the rulemaking conforms to nondiscretionary statutory provisions in Transportation Law Article 9-A and 49 USCS sections 31136 through 31142. The purpose of this rulemaking is to update Title 49 CFR regulations which are incorporated by reference into Title 17 NYCRR to the 10/1/2016 Title 49 CFR edition. This rulemaking does not represent a change in NYSDOT policy or practice, nor does it impose significant burdens on commercial motor vehicle carriers and drivers.

Job Impact Statement

1. Nature of impact: The proposed rule changes are advanced periodically to retain consistency of Title 17 NYCRR with Title 49 CFR provisions related to safe operation of commercial motor vehicles, most of which are incorporated by reference. Since the Department last adopted such updates by incorporation of the 10/1/2013 edition of CFR safety provisions in January 2015, commercial motor carriers subject to hours of service (HOS) requirements have been required under new federal mandates to transition from paper logbooks to electronic logging devices (ELD) to document compliance with limitations on hours behind the wheel, termed "record of duty status" (RODS). Said federal regulations were adopted with a compliance date of December 18, 2017 in 80 FR 78292. The present rule changes serve to capture that material by incorporation and are not expected to have a significant impact on jobs; the associated New York State Department of Transportation (NYSDOT) enforcement activity will be consistent with past practice.

2. Categories and numbers affected: Federal rules except limited numbers of commercial motor carriers from compliance with ELD; most carriers whose drivers currently maintain paper logbooks are required to transition to ELD and those excepted must continue to maintain paper logbooks if required to document RODS. Exclusion of small businesses was considered but ultimately rejected by FMCSA as inconsistent with the federal statutory framework under which rulemaking is undertaken (80 FR 78292, *78313). The sweep of the ELD compliance regulations is comprehensive.

3. Regions of adverse impact: Inspections and reviews are conducted pursuant to Department policy and there is no variance in the methodology across regions. No adverse impact on jobs in any particular region is anticipated.

4. Minimizing adverse impact: Cost estimates for compliance with the ELD mandate vary depending on the number of vehicles a carrier has in operation; larger carriers are expected to enjoy significant cost savings, whereas smaller carriers and single operators may see modest cost increases of a few hundred dollars per vehicle, which will evaporate over time as the ELD becomes standard equipment in newer model commercial vehicles and such vehicles replace older ones in the operator's fleets. FMCSA determined that time savings to drivers and carriers from filling out, submitting, and handling paper can exceed the annualized costs of equipping and maintaining ELD; the few hundred dollars of cost increases that may occur in certain cases were not considered to represent a significant impact. Business case studies performed by FMCSA following the implementation of electronic management systems consistently revealed the cost of compliance management, including truck mounted data terminal hardware, to be 30% lower than manual compliance management procedures used for paper logs (80 FR 78292, *78344).

Title 17 NYCRR regulations must remain consistent with the CFR, per 49 USCS section 31141. As such, NYSDOT reviews and inspections are performed using the standards that are found in the CFR regulations incorporated by reference in 17 NYCRR. Neither the frequency of inspections nor the basis for NYSDOT enforcement action is expected to change in any way post adoption of the instance rulemaking, so categories and numbers affected remain status quo. The purpose of performing motor carrier enforcement activities is the advancement of public safety through verification of compliance with state law and regulation pertaining to motor carrier safety; consequently, there are no adverse impacts.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Liquor Authority, State		
LQR-07-18-00011-P	Municipal notification requirements for temporary beer and wine permit as well as catering permit applications for large events	State Liquor Authority, 317 Lenox Ave., 4th Fl., New York, NY—April 18, 2018, 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

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-05-18-00003-P	01/31/19	Host materials (potatoes, tomatoes and eggplants) and soil	To lift the golden nematode quarantine (GN) in portions of Cayuga, Seneca, Steuben, Suffolk and Wayne Counties

ATHLETIC COMMISSION, NEW YORK STATE

ATH-07-18-00012-EP	02/14/19	Loss of Bodily Function in Mixed Martial Arts Competitions	To comply with the rule changes of the Association of Boxing Commissions and Combative Sports

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

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-51-17-00017-EP	12/20/18	Specialized secure detention facilities	To establish specialized secure detention facilities
CFS-01-18-00003-EP	01/03/19	Optional expansion of services offered by municipalities to runaway and homeless youth	To implement changes made to Executive Law regarding optional expansion of services to runaway and homeless youth

CIVIL SERVICE, DEPARTMENT OF

CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-30-17-00006-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-17-00007-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00008-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00009-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00010-P	07/26/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-30-17-00011-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00012-P	07/26/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-30-17-00013-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-30-17-00014-P	07/26/18	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-30-17-00015-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00016-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00017-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00018-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00019-P	07/26/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-17-00020-P	07/26/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to delete positions from the non-competitive class.
CVS-30-17-00021-P	07/26/18	Jurisdictional Classification	To add a subheading and to classify positions in the non-competitive class
CVS-30-17-00022-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-30-17-00023-P	07/26/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-33-17-00002-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00003-P	08/16/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-33-17-00004-P	08/16/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-33-17-00005-P	08/16/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-33-17-00006-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00007-P	08/16/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-33-17-00008-P	08/16/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-47-17-00001-P	11/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-47-17-00002-P	11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00003-P	11/22/18	Jurisdictional Classification	To delete positions from and classify a position in the exempt class
CVS-47-17-00004-P	11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-17-00005-P	11/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-47-17-00006-P	11/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-47-17-00007-P	11/22/18	Jurisdictional Classification	To classify positions in the exempt class.
CVS-47-17-00008-P	11/22/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00001-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00002-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-50-17-00003-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00004-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-50-17-00005-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00006-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00007-P	12/13/18	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-50-17-00008-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00009-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-50-17-00010-P	12/13/18	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-50-17-00011-P	12/13/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-50-17-00012-P	12/13/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-50-17-00013-P	12/13/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-50-17-00014-P	12/13/18	Jurisdictional Classification	To classify positions in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-44-17-00003-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-44-17-00012-P	11/01/18	Inmate confinement and deprivation	Require local correctional facilities to record, review and report inmate cell confinement and essential service deprivation
CMC-01-18-00005-EP	01/03/19	Specialized secure juvenile detention facilities for older youth (SSDs)	Provide counties the regulatory framework for the construction, renovation and certification of SSDs
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-02-18-00001-P	01/10/19	Employee Training Incentive Program	To establish procedures for implementing statutory changes to the Employee Training Incentive Program
EDV-08-18-00002-P	02/21/19	Excelsior Jobs Program	To update provisions of Excelsior Jobs Program to conform to statute
EDUCATION DEPARTMENT			
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-44-17-00009-RP	11/01/18	New Pathway to a NYS High School Equivalency Diploma	Allows students to use passing scores on certain Regents examinations in lieu of certain sub-tasks on TASC
EDU-48-17-00005-P	11/29/18	Licensing of Licensed Pathologists' Assistants	Establishes requirements for licensure including professional education, examination, fee and limited permit requirements
EDU-48-17-00006-EP	11/29/18	Mandatory Quality Review Program/ Mandatory Peer Review Program	Eliminates the exemption from the program for sole proprietorship and firms with two or fewer accounting professionals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-48-17-00007-P	11/29/18	Establish Procedures and Fees for Institutional Authorization of Offer Degree Programs	To establish fees and procedures for the review of applications for new institutional authorization to offer degree programs
EDU-48-17-00008-P	11/29/18	Higher Education Opportunity Program (HEOP)	To clarify & modernize existing language & provide consistency across sectors & be useful when establishing frame work for RFP
EDU-48-17-00009-P	11/29/18	Pre-professional certificates and Transitional G certificates	Expands the Trans G certificate to fields other than STEM and allows pre-prof cert exp to count toward student teaching exp
EDU-52-17-00007-EP	12/27/18	Biological products in the profession of pharmacy	Establishes requirements for substitution of interchangeable biological products for prescribed products
EDU-52-17-00008-P	12/27/18	Requires teachers to complete a mentoring program during their first year of teaching	Outlines the requirements for candidates seeking a professional certificate in the classroom teaching service
EDU-52-17-00009-P	12/27/18	Creation of new certification area and tenure area in the classroom teaching service for computer science	To establish the requirements for a computer science certification area (all grades) and a new tenure area
EDU-52-17-00010-P	12/27/18	Alternative Teacher Certification Program Models	To have greater flexibility in the design of alternative teacher certification program models
EDU-52-17-00011-P	12/27/18	Grade-level extensions for certain candidates who hold a Students with Disabilities Generalist certificate	To expand the pool of qualified teachers of students with disabilities by establishing grade level extensions for certificates
EDU-52-17-00012-EP	12/27/18	Superintendent determination for certain students with disabilities to graduate with a local diploma	To expand the safety net options for students with disabilities to graduate with local diplomas when certain conditions are met
EDU-03-18-00001-P	01/17/19	180 Day Requirement for State Aid purposes	To clarify the requirement for 180 days of instruction for State aid purposes
EDU-06-18-00006-P	02/07/19	Continuous Accreditation Requirement for Educator Preparation Providers	Allows inst. of higher ed w/ registered educator prep progs to be accredited by accrediting assoc. seeking recognition
EDU-06-18-00007-P	02/07/19	Safety Nets for Teacher Certification Examinations	Eliminate req. to complete all certification req. on/before June 30, 2018 to be eligible to use one of the safety nets
EDU-06-18-00008-P	02/07/19	Mental Health Education	To implement the provisions of Chapter 390 of the Laws of 2016 and Chapter 1 of the Laws of 2017
EDU-06-18-00009-EP	02/07/19	Graduate admission examination requirement for registered teacher education programs	To implement chapter 454 of the Laws of 2017
EDU-06-18-00010-P	02/07/19	Endorsement Requirements for Licensure as a Dentist	To permit dentists with licenses issued by a Canadian province to become licensed dentists in New York State by endorsement
ELECTIONS, STATE BOARD OF			
SBE-28-17-00004-RP	07/12/18	Use of independent automated audit tools	To implement the amendment to Election Law 9-211 permitting use of independent automated audit tools

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-47-17-00009-P	11/22/18	Voting by certain special federal voters.	Provide procedures for certain special federal voters.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-28-17-00003-P	07/12/18	Management of crustaceans, horseshoe crabs (HSC) and whelk; protection of terrapin	Modify rules on terrapin excluder device, HSC harvest limit and whelk reporting
ENV-49-17-00005-P	12/06/18	Bay Scallop Size Limit	Clarify current size limit provisions for the taking of bay scallops
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-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-18-17-00020-P	05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-25-17-00002-EP	06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies
DFS-39-17-00002-P	09/27/18	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	Provide a formulary exception process for medication for the detoxification or maintenance treatment of a substance use disorder
DFS-40-17-00003-P	10/04/18	Registration Requirements and Prohibited Practices for Credit Reporting Agencies	To address deficient practices of consumer credit reporting agencies and protect user of and the market for financial services
DFS-52-17-00001-P	12/27/18	Special Risk Insurance	To update Section 16.12(e) to incorporate changes and additions to class 2 risks introduced by 5/10/17 Public Notice
DFS-52-17-00020-P	12/27/18	Suitability in Life Insurance and Annuity Transactions	Establish suitability standards for life insurance and clarify that a transaction must be in the best interest of the consumer.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools
HLT-28-17-00009-P	08/17/18	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-38-17-00001-P	09/20/18	Trauma Centers	Requires hospitals to be verified by the American College of Surgeons Committee to be designated trauma centers by the Dept.
HLT-43-17-00001-EP	10/25/18	Medical Use of Marihuana	To allow certain defined facilities to become a designated caregiver for a certified patient in NYS's Medical Marihuana Program
HLT-49-17-00002-P	12/06/18	Food and Beverages in Funeral Establishments	To lift the ban of the consumption of food and beverages in funeral establishments
HLT-02-18-00002-P	01/10/19	Hospital Policies and Procedures for Individuals with Substance Use Disorders	To require hospitals to establish policies & procedures to identify, assess & refer individuals with substance use disorders
HLT-04-18-00010-P	01/24/19	Emergency Medical Services (EMS) Initial Certification Eligibility Requirements	To reduce the EMS certification eligibility minimum age from 18 to 17 years of age
HLT-06-18-00005-P	02/07/19	Public Water Systems - Revised Total Coliform Rule	To increase public health protection by reducing exposure to contaminants in drinking water
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-07-18-00014-P	02/14/19	Rate Rationalization – Intermediate Care Facilities for Persons with Developmental Disabilities	Amend rate methodology eff. 7/1/16 and include addition of an occupancy adjust. & revision to 4/1/15 2% compensation calculation
HLT-09-18-00006-P	02/28/19	Managed Care Organizations	To maintain the contingent reserve requirement applied to the Medicaid Managed Care, HIV SNP and HARP programs
INFORMATION TECHNOLOGY SERVICES, OFFICE OF			
ITS-52-17-00002-P	12/27/18	Implementing the Electronic Signatures and Records Act	Correcting outdated references to the name of ITS and the physical address of the Property Records Industry Association (PRIA)
ITS-52-17-00003-P	12/27/18	Concerning State Agency Internet posting of application forms	Correcting outdated references to the former name of ITS, and the Governor's Office of Regulatory Reform (GORR)
ITS-52-17-00004-P	12/27/18	Providing public access to the records of the Office of Information Technology Services	Correcting outdated references to the name of ITS, a job title in the ITS Division of Legal Affairs; and gender references

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
INFORMATION TECHNOLOGY SERVICES, OFFICE OF			
ITS-52-17-00005-P	12/27/18	Providing access to personal information	To correct outdated references to the name of ITS and a job title in the ITS Division of Legal Affairs
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-34-17-00003-RP	08/23/18	Comprehensive lobbying regulations	To set forth comprehensive lobbying regulations that implement the provisions of the Lobbying Act
JPE-34-17-00004-P	08/23/18	Source of funding reporting.	To make consistent with the new comprehensive lobbying regulations at Part 943 and clarify exemption procedures.
JPE-42-17-00003-P	10/18/18	Financial disclosure statements	To add a right of appeal to provisions governing exemptions related to filing a financial disclosure statement
JUDICIAL CONDUCT, STATE COMMISSION ON			
JDC-02-18-00003-P	01/10/19	Issuing of subpeonas	To clarify that only the referee has subpoena issuing power in Commission hearings
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-09-18-00014-P	02/28/19	Criminal History Information Checks	To clarify language in the rule and make technical corrections
LABOR, DEPARTMENT OF			
LAB-47-17-00011-P	11/22/18	Employee Scheduling (Call-In Pay)	To strengthen existing call-in pay protections involving employee scheduling
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
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-41-17-00010-P	exempt	The undergrounding provisions of the Authority's Tariff for Electric Service	To offer local communities a mechanism for financing the additional cost of undergrounding projects

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-41-17-00011-P	exempt	The remote meter reading provisions of the Authority's Tariff for Electric Service	To eliminate charges for remote meter reading
LPA-41-17-00012-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To update the Authority's net energy metering provisions consistent with the rest of New York State
MENTAL HEALTH, OFFICE OF			
OMH-31-17-00001-P	08/02/18	Early and Periodic Screening, Diagnostic and Treatment Services for Children	To promote the expansion of behavioral health services for children and youth under 21 years of age
OMH-09-18-00004-P	02/28/19	Procedure for Treatment and Hospitalization of Certain Mentally Ill Prisoners in Jail	To conform implementing regulations with a change in the authorizing statute
MOTOR VEHICLES, DEPARTMENT OF			
MTV-26-17-00003-EP	06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles
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-01-18-00004-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-23-17-00016-P	06/07/18	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 signing authority level
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-17-00010-P	11/29/18	Clarification of Assessment of Functional and Health-Related Needs	To clarify requirements for an Assessment of Functional and Health-Related Needs in Person Centered Planning regulations
PDD-51-17-00005-EP	12/20/18	SNAP Benefit Offset	To update the SNAP benefit offset and the amount that each individual must pay to providers.
PDD-51-17-00006-EP	12/20/18	Site Based and Community Based Prevocational Services	To clarify site-based and community-based services and clarify reimbursement requirements
PDD-07-18-00001-EP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-18-00008-P	02/14/19	Adult Sibling Update	Add adult sibling to the list of qualified persons available, pursuant to Mental Hygiene Law section 33.16(a)(6)
PDD-07-18-00013-P	02/14/19	Advocacy Organization Definition Update	To redefine the advocacy organizations listed under 676.12(ab)
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
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-15-04-00022-P	exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-07-00017-P	exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-32-13-00010-P	exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-19-14-00018-P	exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-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-36-14-00011-P	exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-12-15-00007-P	exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-15-00015-P	exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00018-P	exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*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-41-15-00005-P	exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*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-44-15-00030-P	exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-15-00013-P	exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*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-06-16-00010-P	exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*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-15-16-00012-P	exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00013-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00024-P	exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*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-29-16-00025-P	exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
*PSC-32-16-00012-P	exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-40-16-00013-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00014-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00019-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*PSC-40-16-00021-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
*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-42-16-00014-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-44-16-00015-P	exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
*PSC-47-16-00009-P	exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-49-16-00005-P	exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-17-00019-P	exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
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-18-17-00033-P	exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
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-21-17-00012-P	exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
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-22-17-00007-P	exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-23-17-00021-P	exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-17-00014-P	exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
PSC-25-17-00005-P	exempt	Minor rate filing	To consider an increase in annual revenues by $154,329 or 116%
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-27-17-00014-P	exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately $326 million (or 13.0% in total revenues).
PSC-27-17-00017-P	exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately $81 million (14.0% in total revenues).
PSC-29-17-00006-P	exempt	Petition to submeter gas.	To consider the petition of LaGuardia Gateway Partners, to submeter gas at LaGuardia Airport Central Terminal B, Flushing, NY.
PSC-30-17-00031-P	exempt	Proposed tariff filing to implement electric rate options on a pilot basis for the Energy Smart Community Project.	To consider tariff revisions implementing electric rate options on a pilot basis for the Energy Smart Community Project.
PSC-31-17-00007-P	exempt	Notice of intent to submeter electricity	To consider the notice of intent of 685 First Realty Compamy, LLC to submeter electricity at 685 1st Avenue, New York, 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-31-17-00012-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $304,629 or 14%.
PSC-32-17-00007-P	exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Orange and Rockland to amend its current bill estimation procedures for AMI.
PSC-32-17-00011-P	exempt	Minor rate filing.	To consider an increase in annual revenues of about $625,974 or 14.6%.
PSC-33-17-00012-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of BOP Greenpoint G LLC to submeter electricity at 37 Blue Slip, Brooklyn, New York.
PSC-33-17-00013-P	exempt	The obligation of electric utilities to pay for the extension of electric service to residential developments.	To consider if National Grid should change its practices and compensate the petitioners for past charges.
PSC-33-17-00017-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Bridge Land Vestry LLC to submeter electricity at 70 Vestry Street, New York, New York.
PSC-34-17-00005-P	exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-17-00006-P	exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00007-P	exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Companies' electric and gas portfolios for 2019-2020
PSC-34-17-00008-P	exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for 2019-2020
PSC-34-17-00009-P	exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2018-2020
PSC-34-17-00011-P	exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
PSC-34-17-00012-P	exempt	Proposed electric and gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's electric and gas portfolios for the years 2017-2020
PSC-34-17-00013-P	exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00014-P	exempt	Proposed gas energy efficiency budget and metrics plan	To establish an energy efficiency budget and metrics plan for the Company's gas portfolio for the years 2017-2020
PSC-34-17-00017-P	exempt	Use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications	To consider the use of the Honeywell Mercury EC350 volumetric corrector in gas metering applications
PSC-34-17-00019-P	exempt	Development of an aggregation standard for release of whole-building energy data to building owners	Improved energy data access to support state energy efficiency and demand reduction goals
PSC-36-17-00012-P	exempt	Petition to amend bill estimation procedures for AMI.	To consider the petition of Con Edison to amend its current bill estimation procedures for AMI.
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-37-17-00007-P	exempt	Lifeline Service that offers a discounted rate to service to qualifying low income consumers.	To consider changes to the Commission's requirements related to eligibility for the supplemental New York Lifeline discount.
PSC-37-17-00009-P	exempt	Fishers Island Water Works Corporation's rates for the provision of water.	To consider an increase in Fishers Island Water Works Corporation's annual water revenues by approximately $296,031 or 44.5%.
PSC-39-17-00008-P	exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-40-17-00004-P	exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3)
PSC-40-17-00005-P	exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Flanders for its apparent non-compliance with Commission requirements
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-41-17-00006-P	exempt	Major electric rate filing.	To consider an increase in CHG&E's electric delivery revenues by approximately $43 million (or 7.9% in total revenues).
PSC-41-17-00007-P	exempt	Major gas rate filing.	To consider an increase in CHG&E's gas delivery revenues by approximately $18.1 million (or 12.3% in total revenues).
PSC-42-17-00005-P	exempt	Complaint for review of rates charged for water service to commercial and residential customers of water works corporation.	To consider the complaint filed on January 3, 2017 by Bristol customers.
PSC-42-17-00007-P	exempt	Ampersand Kayuta Lake Hyrdo, LLC's 460 kW hydroelectric facility in Boonville, New York.	To promote and maintain renewable electric energy resources.
PSC-42-17-00008-P	exempt	Ampersand Chasm Falls Hydro, LLC's 1.6 MW hydroelectric facility in Chateaugay, New York	To promote and maintain renewable electric energy resources.
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-43-17-00003-P	exempt	Notice of intent to submeter electricity and waiver request	To consider the notice of intent to submeter electricity and waiver request
PSC-43-17-00004-P	exempt	ReEnergy Lyonsdale, LLC's 22 MW biomass facility located in Lewis County, New York	To promote and maintain renewable electric energy resources
PSC-45-17-00005-P	exempt	Existing baseline resources under Tier 2 of the Renewable Energy Standard Program.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-45-17-00006-P	exempt	Arrow Park, Inc.'s rates for the provision of water.	To consider an increase in Arrow Park, Inc.'s annual water revenues by approximately $11,200 or 62.06%.
PSC-45-17-00007-P	exempt	Request for waiver of the individual metering requirements of 16 NYCRR Part 96.	To consider the request for waiver of the individual metering requirements of 16 NYCRR Part 96.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-17-00008-P	exempt	Major water rate filing.	To consider an increase in SUEZ O-N's annual revenue requirement by approximately $600,000, or 33.4%.
PSC-46-17-00004-P	exempt	Drift Marketplace, Inc.'s petition for rehearing	To consider the petition for rehearing filed by Drift Marketplace, Inc.
PSC-46-17-00006-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-46-17-00009-P	exempt	Requirements pertaining to inspections and reporting on plastic fusions installed in gas company service territories	To clarify prior requirements and establish new requirements for plastic fusion qualifications and inspections
PSC-46-17-00010-P	exempt	Compliance with plastic fusion requirements	To consider requiring NFG to comply with current and new plastic fusion requirements and report compliance failures
PSC-46-17-00011-P	exempt	M&R Energy Resource Corp.'s petition for rehearing	To consider the petition for rehearing filed by M&R Energy Resource Corp.
PSC-46-17-00012-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
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-46-17-00014-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
PSC-47-17-00010-P	exempt	Con Edison's petition for approval of the Smart Solutions for Natural Gas Customers Program.	To consider Con Edison's multi-solution strategy to decrease gas usage and procure alternative resources.
PSC-48-17-00011-P	exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-48-17-00012-P	exempt	The extension of the compensation term for certain community distributed generation projects.	To determine the appropriate compensation term for certain community distributed generation projects.
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-48-17-00016-P	exempt	Petition for rehearing of the Commission order.	To consider New Rochelle Home Owners Association's petition for rehearing.
PSC-48-17-00017-P	exempt	To issue long-term indebtedness, preferred stock and hybrid securities and to enter into derivative instruments.	To consider New York State Electric & Gas Corporation's finance transactions.
PSC-48-17-00018-P	exempt	Transfer of certain street lighting facilities.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Bedford.
PSC-49-17-00009-P	exempt	Part of the Tier 2 Maintenance Tier Program in the RES of the CES	To promote and maintain renewable electric energy resources

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-17-00010-P	exempt	Minor rate filing	To consider an increase in annual revenues of about $300,000 or 5.2%
PSC-50-17-00016-P	exempt	Joule Assets, Inc.'s Community Choice Aggregation Implementation Plan.	To ensure appropriate consumer protections.
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-50-17-00020-P	exempt	Administrative costs and funding sources for the RES and ZEC programs.	To promote and maintain renewable and zero-emission electric energy resources.
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-50-17-00023-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent to submeter electricity and waiver request.
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-51-17-00008-P	exempt	Petition to submeter electricity.	To consider the petition of 305 East 24th Owners Corp. to submeter electricity.
PSC-51-17-00009-P	exempt	Consideration of Con Edison's proposed Implementation Plan.	To consider Con Edison's Implementation Plan and appropriate design of the utility-owned Shared Solar Pilot Program.
PSC-51-17-00010-P	exempt	Transfer certain street lighting facilities to the Town of Owego.	To consider the transfer of certain street lighting facilities from NYSEG to the Town of Owego.
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-51-17-00012-P	exempt	Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP.
PSC-51-17-00014-P	exempt	Transfer of control.	To consider Time Warner Cable Northeast's petition seeking approval of a transfer of cable television franchises.
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-51-17-00016-P	exempt	Petition for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.	To consider the petition of Jericho Project for waiver request of Opinion No. 76-17 and 16 NYCRR Part 96.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
PSC-52-17-00015-P	exempt	Development of an aggregation standard for release of customer usage information that protects the privacy of customers	Strike new balance between the benefit of making more aggregated data available and the need to maintain customer privacy
PSC-52-17-00016-P	exempt	SUEZ O-N's rates of the Forest Park Systems for the provision of water	To consider an increase in SUEZ O-N's annual water revenues of the Forest Park Systems by approximately $298,221 or 48.52%
PSC-52-17-00017-P	exempt	Waiver of PSC regulations, 16 NYCRR § 86.3(a)(2); 86.3(b)(2) and 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
PSC-52-17-00018-P	exempt	Daily Delivery Service (DDS) Program; Winter Bundled Sales Service (WBSS) and Managed Supply Service (MSS) Programs	To consider modifications to the DDS Program and the elimination of the expired WBSS and MSS Programs
PSC-52-17-00019-P	exempt	Petition to submeter electricity	To consider the petition of Bruns Associates, LLC to submeter electricity
PSC-01-18-00006-P	exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 18.2%.	To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2018, and ending April 30, 2019.
PSC-01-18-00007-P	exempt	Proposed revisions to O&R's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether O&R should recover DLRP costs from distribution customers only.
PSC-01-18-00008-P	exempt	Proposed revisions to the Dynamic Load Management Programs for the summer 2018 capability period.	To consider modifications to the Dynamic Load Management Programs and proposed draft tariffs.
PSC-01-18-00009-P	exempt	Proposed revisions to NYSEG's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether NYSEG should recover DLRP costs from distribution customers only.
PSC-01-18-00010-P	exempt	The issuance of unsecured debt obligations.	To consider the Company's request to issue unsecured debt obligations.
PSC-01-18-00011-P	exempt	Participation of low-income ratepayers in community distributed generation projects.	To consider methods to support participation of low-income ratepayers in community distributed generation projects.
PSC-01-18-00012-P	exempt	Proposed revisions to Central Hudson's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether Central Hudson should recover DLRP costs from distribution customers only.
PSC-01-18-00013-P	exempt	Proposed revisions to RG&E's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether RG&E should recover DLRP costs from distribution customers only.
PSC-01-18-00014-P	exempt	Proposed revisions to National Grid's Distribution Load Relief Program (DLRP) cost recovery.	To consider whether National Grid should recover DLRP costs from distribution customers only.
PSC-02-18-00004-P	exempt	Modifications to the SIR to incorporate larger distributed generation units and energy storage systems, among other revisions.	To consider Staff's recommended changes and updates to the SIR.
PSC-02-18-00005-P	exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-02-18-00006-P	exempt	The 2017 Electric Emergency Response Plans.	To consider the 2017 Electric Emergency Response Plans for New York's six major electric utilities.
PSC-02-18-00007-P	exempt	Transfer of certain street lighting facilities.	To consider the transfer of certain street lighting facilities from NYSEG to the City of Geneva.
PSC-02-18-00008-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Murray Hill Marquis LLC to submeter electricity.
PSC-04-18-00003-P	exempt	Minor rate filing.	To consider a proposal for an increase in total annual revenues of approximately $136,634, or 11.4%.
PSC-04-18-00004-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Murray Hill Marquis LLC to submeter electricity.
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-04-18-00006-P	exempt	Consideration of the Central Hudson Gas & Electric Corporation Implementation Plan and audit recommendations.	To consider Central Hudson Gas & Electric Corporation's Management Audit Implementation Plan.
PSC-04-18-00007-P	exempt	Con Edison's methodology for reconciling the gas POR discount rate charge.	To consider modifications to the manner in which reconciliations of the POR discount rate are collected or refunded.
PSC-04-18-00008-P	exempt	Waiver of Commission requirements.	To consider a waiver of the Commission's electric infrastructure requirement.
PSC-04-18-00009-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 20 Broad Street Owner LLC to submeter electricity.
PSC-05-18-00004-P	exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-05-18-00005-P	exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Pilot Programs.	To consider to make permanent the DG and NGV Pilot Programs and continue the Prime-WNY Pilot Program with modifications.
PSC-05-18-00006-P	exempt	Rider J - Business Incentive Rate (BIR) to include an Electric Vehicle (EV) Quick Charging Station Program.	To consider expanding its economic development BIR to include an EV Quick Charging Station Program.
PSC-05-18-00007-P	exempt	Transfer of control.	To consider the joint petition seeking approval of a transfer of cable television franchises.
PSC-05-18-00008-P	exempt	Implementation of Advanced Metering Infrastructure (AMI) in O&R's territory, and provisions for individual opt-outs therefrom.	To consider Advanced Metering Infrastructure (AMI) in Orange & Rockland's service territory.
PSC-06-18-00011-P	exempt	Waiver of PSC regulations, 16 NYCRR § 86.3(a)(1); 86.3(a)(2); 86.3(b)(2) and 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
PSC-06-18-00012-P	exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-18-00013-P	exempt	Proposed sale of property from Con Edison to 500 Kent LLC	To consider Con Edison and 500 Kent LLC's joint petition for a proposed sale of property
PSC-06-18-00014-P	exempt	To incur debt and findings that no further review of proposed intra-corporate transactions is needed	To consider a petition to incur debt and findings that no further review of proposed intra-corporate transactions is needed
PSC-06-18-00015-P	exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	To consider a waiver and terms of a service agreement
PSC-06-18-00016-P	exempt	To incur debt and findings that no further review of proposed intra-corporate transactions is needed	To consider a petition to incur debt and findings that no further review of proposed intra-corporate transactions is needed
PSC-06-18-00017-P	exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
PSC-07-18-00015-P	exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
PSC-07-18-00016-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Silo Ridge Condo Association to submeter electricity.
PSC-08-18-00003-P	exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-08-18-00004-P	exempt	Negative revenue adjustments assessed for alleged gas safety violations in 2014, 2015, and 2016.	To encourage active efforts by the utility company to maximize gas safety.
PSC-08-18-00005-P	exempt	Notice of intent to submeter electricity and waiver request.	To consider the notice of intent to submeter electricity and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-08-18-00006-P	exempt	Gas service to power generators.	To consider proposals in the report regarding service to power generators and related proposed tariff revisions.
PSC-08-18-00007-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of 160 Leroy LLC to submeter electricity.
PSC-08-18-00008-P	exempt	Notice of intent to submeter electricity.	To consider the notice of intent of MIP One Wall Street Acquisition, LLC to submeter electricity.
PSC-09-18-00010-P	exempt	Use of the Itron OpenWay Riva CENTRON Polyphase CP2SRA electric meter	To ensure that consumers bills are based on accurate measurements of electric usage
PSC-09-18-00011-P	exempt	Transfer of certain street lighting facilities	To consider the transfer of certain street lighting facilities from NYSEG to the Village of Owego
PSC-09-18-00012-P	exempt	Minor rate filing	To consider an increase in annual water revenues by approximately $93,436 or 68.2%
PSC-09-18-00013-P	exempt	Proposed use of electronic signatures for Deferred Payment Agreements	To make it easier for customers to obtain Deferred Payment Agreements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-18-00002-P	exempt	Use of funds for ratepayer benefit programs.	To promote gas safety.
PSC-11-18-00003-P	exempt	Use of funds for ratepayer benefit.	To promote gas safety measures.
PSC-11-18-00004-P	exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
STATE, DEPARTMENT OF			
DOS-52-17-00013-EP	12/27/18	Establishment of the Identity Theft Prevention and Mitigation Program	To facilitate the timely provision of information and assistance to victims of identity theft
DOS-07-18-00010-P	02/14/19	Cease and desist zone for the Incorporated Village of Chestnut Ridge, NY	To adopt a cease and desist zone for the Incorporated Village of Chestnut Ridge, NY
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-09-18-00007-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 April 1, 2018 through June 30, 2018
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-35-17-00005-P	08/30/18	Application process for the Supplemental Nutrition Assistance Program (SNAP)	To align State regulations for SNAP application process with federal statutory and regulatory requirements and SNAP policy
TRANSPORTATION, DEPARTMENT OF			
TRN-08-18-00001-P	02/21/19	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
TRN-11-18-00001-P	03/14/19	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
WORKERS' COMPENSATION BOARD			
WCB-52-17-00021-P	12/27/18	Establishment of Prescription Drug Formulary	Establishment of a drug formulary that includes high-quality and cost-effective preauthorized medication
WCB-01-18-00001-P	01/03/19	Workers' Compensation Board - Option to Self-Insure for Jockey Fund	Creates the process for the Jockey Fund to self-insure for Workers' Compensation coverage

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

Aluma Safety, Inc.
Eight Pristine Dr., Greenville, SC 29650
State or country in which incorporated — Delaware

BlackSand Captial Opportunity Fund II, L.P.
1288 Ala Moana Blvd., Suite 288, Honolulu, HI 96814
Partnership — BlackSand Captial Opportunity Fund II, L.P.

Capital Constellation L.P.
345 Park Ave., 41st Fl., New York, NY 10154
Partnership — Capital Constellation GP LLC

Chakana Copper Corp.
1430-800 W. Pender St., Vancouver, BC V6C 2V6
State or country in which incorporated — Canada

Corvus Delta Fund, L.P.
88 Kearny St., 20th Fl., San Francisco, CA 94108
Partnership — Parallax Partners, LLC

Cygnus Alpha Fund, L.P.
88 Kearny St., 20th Fl., San Francisco, CA 94108
Partnership — Parallax Partners, LLC

Green Leaf Fund IV, L.P.
588 San Ramon Valley Blvd., Suite 200, Danville, CA 94526
Partnership — Green Leaf Capital Partners IV, L.P.

HODL Capital Fund, LP
18 Bank St., Suite 200, Summit, NJ 07901
Partnership — HODL Capital GP, LLC

HODL Capital Fund, LP
18 Bank St., Suite 200, Summit, NJ 07901
State or country in which incorporated — New Jersey

IMH Financial Corporation
7001 N. Scottsdale Rd., Suite 2050, Scottsdale, AZ 85253
State or country in which incorporated — Delaware

Kotak Mahindra Inc.
369 Lexington Ave., 28th Fl., New York, NY 10017
State or country in which incorporated — Delaware

NestGSV, Inc.
585 Broadway St., Redwood, CA 94063
State or country in which incorporated — Delaware

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

Pearl CIII Holdings, L.P.
2100 McKinney Ave., Suite 1675, Dallas, TX 75201
Partnership — Pearl Energy Investment II GP, L.P.

Shuttle Fund, LP
545 5th Ave., Suite 831, New York, NY 10017
Partnership — Shuttle Fund Partners, LLC

Sponsor Backed Credit Fund, L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

Sponsor Backed Credit Fund (Offshore), L.P.
50 S. LaSalle St., Chicago, IL 60603
Partnership — 50 South Capital Advisors, LLC

State Funds
5550 Painted Mirage Rd., Suite 320, Las Vegas, NV 89149
State or country in which incorporated — Delaware

Thompson Street Capital Partners V, L.P.
120 S. Central Ave., Suite 600, St. Louis, MO 63105
Partnership — Thompson Street Capital V GP, L.P.

Trust Me Vodka Inc.
2100 Palomar Airport Rd., Suite 214-30, Carlsbad, CA 92011
State or country in which incorporated — California

TSTT Co-Investment Fund LLC
c/o Tudor Investment Corporation, 1275 King St., Greenwich, CT 06831
Partnership — Tudor Investment Corporation

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE
ROOF
Albion Correctional Facility
Albion, Orleans County

Sealed bids for Project No. M3093-C, for Construction Work, Replace Roofing, Building 73, Albion Correctional Facility, 3595 State School Road, Albion (Orleans 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 Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 21, 2018, 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 $34,700 for C.

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 $500,000 and $1,000,000 for C.

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 206 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 11:00 a.m. on March 8, 2018 at OGS Field Office Trailer, 3571 State School Road, Albion, 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 Corey Stalker, (585) 589-4854 a minimum of 72 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). 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
BLOCK GYM HEATING SYSTEM
Sing Sing Correctional Facility
Ossining, Westchester County

Sealed bids for Project No. 44999-H, for HVAC Work, Replace A Block Gym Heating System, Sing Sing Correctional Facility, 354

Hunter Street, Ossining (Westchester 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 Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 21, 2018, 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 $22,200 for C.

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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 $500,000 and $1,000,000 for C.

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 246 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 March 15, 2018 at Sing Sing Correctional Facility, OGS Field Office Trailer, 130 State Street, Ossining, 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 Tricia Picciano, (914) 941-1122 a minimum of 72 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). 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 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

PROVIDE
FIELD OPERATIONS BUILDING
NYS Academy of Fire Science
Montour Falls, Schuyler County

Sealed bids for Project Nos. 45311-C, 45311-H, 45311-P, 45311-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Field Operations Building, NYS Academy of Fire Science, 600 College Avenue, Montour Falls (Schuyler 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 Homeland Security and Emergency Services, until 2:00 p.m. on Wednesday, March 14, 2018, 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 $89,100 for C, $26,600 for H, $23,500 for P, and $24,700 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 $2,000,000 and $3,000,000 for C, between $500,000 and $1,000,000 for H, between $250,000 and $500,000 for P, and between $250,000 and $500,000 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

The substantial completion date for this project is 440 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 March 1, 2018 at NYS Academy of Fire Science, 600 College Avenue, Montour Falls, 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.

For assistance pertaining to the site visit only, please phone Lara Franzese (607) 734-0592.

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). 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

PROVIDE
ADDITION
Marcy Correctional Facility
Marcy, Oneida County

Sealed bids for Project Nos. 45391-C, 45391-H, 45391-P, 45391-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Addition, Medical Building 11, Marcy Correctional Facility, PO Box 5000, 9000 Old River Road, 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 Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 21, 2018, 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 $65,800 for C, $22,600 for H, $9,600 for P, and $23,500 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 $250,000 and $500,000 for H, between $100,000 and $250,000 for P, and between $250,000 and $500,000 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

The substantial completion date for this project is 505 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 9:00 a.m. on March 9, 2018 at Marcy Correctional Facility, Administration Building, 9000 Old River Road, 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 Tracy Gualtieri, (315) 339-6820 a minimum of 72 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). 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
Department of Health

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

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for long term care related to temporary rate adjustments to providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. These payments are authorized by § 2826 of the New York Public Health Law. The following changes are proposed:

Additional temporary rate adjustments have been reviewed and approved for the following nursing home:

- Elderwood at North Creek

The aggregate payment amounts total up to $2,434,828 for the period April 1, 2018 through March 31, 2019.

The aggregate payment amounts total up to $1,129,788 for the period April 1, 2019 through March 31, 2020.

The aggregate payment amounts total up to $435,384 for the period April 1, 2020 through March 31, 2021.

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

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

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

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

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

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

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

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

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1460, Albany, NY 12210, e-mail: spa_inquiries@health.ny.gov

PUBLIC NOTICE
New York City Deferred Compensation Plan & NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide Auditing Services for the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Thursday, February 15, 2018. Responses are due no later than 4:30 p.m. Eastern Time on Thursday, March 15, 2018. To obtain a copy of the RFP, please visit the Plan's website at www1.nyc.gov/site/olr/about/about-rfp.page and download and review the applicable documents. If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE
New York State and Local Retirement System

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

The persons whose names and last known addresses are set forth below appear from records of the above named Retirement System to be entitled to accumulated contributions held by said retirement system whose membership terminated pursuant to Section 613 of the Retirement and Social Security Law on or before January 31, 2018. This notice is published pursuant to Section 109 of the Retirement and Social Security Law of the State of New York. A list of the names contained in this notice is on file and open to public inspection at the office of the New York State and Local Retirement System located at the 110 State St., in the City of Albany, New York. At the expiration of

six months from the date of the publication of this notice. The accumulated contributions of the persons so listed shall be deemed abandoned and shall be placed in the pension accumulation fund to be used for the purpose of said fund. Any accumulated contributions so deemed abandoned and transferred to the pension accumulation fund may be claimed by the persons who made such accumulated contributions or, in the event of his death, by his estate or such person as he shall have nominated to receive such accumulated contributions, by filing a claim with the State Comptroller in such form and in such a manner as may be prescribed by him, seeking the return of such abandoned contributions. In the event such claim is properly made the State Comptroller shall pay over to the person or persons or estate making the claim such amount of such accumulated contributions without interest.

Bailey,Jessica - Horse Shoe,NC

Douglas-Knight,Shawn - Jamaica,NY

Hirthler,Edward R - Glenn Aubrey,NY

Stanley-Barry,Mark A - Fort Meade,FL

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

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.

2018-0098 Matter of Beverly Shaw, 5 Oak Brook Club Drive, # P1n, for a variance concerning flood design requirements, including a required 2 foot freeboard. Involved is an existing one family dwelling located at 202 Surf Walk, Village of Saltaire, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

F-2018-0060 (DA)

Date of Issuance – March 14, 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.

A federal agency has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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 and online at https://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0060(DA)NationalRailroadPassengerCorp(MP141-MP75).pdf

In F-2018-0060, Amtrak, is proposing to install approximately 8600 ft of fencing in various locations between Milepost 141 and MP 75 and near Milepost 163.96.

The stated purpose of the project is to keep pedestrians and vehicles out of harm's way.

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 this publication or March 29, 2018.

Comments should be addressed to the Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464, e-mail: cr@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2018-0119

Date of Issuance - March 14, 2018

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2018-0119, The Sandy Pond Channel Maintenance Association is proposing to undertake maintenance dredging of the existing channel between North Sandy Pond and Lake Ontario. Up to 12,000 cubic yards of sand is to be removed annually for a period of three years with the dredge material being placed at upland dune locations on NY State Parks lands.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2018-0119Application.pdf

Original copies of public information and data submitted by the applicant 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.

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, March 29, 2018.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

EXECUTIVE ORDERS

Executive Order No. 168.8: Continuing the Declaration of a Disaster of Emergency in the Five Boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that Incorporate the MTA Region in the State of New York.

WHEREAS, pursuant to Executive Order No. 168, a disaster has heretofore been declared in the five boroughs of New York City and the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester that incorporate the Metropolitan Transportation Authority (MTA) Region in the State of New York due to increasingly constant and continuing failures of the tracks, signals, switches and other transportation infrastructure throughout the system including at Pennsylvania Station located in the County of New York (Penn Station), that have resulted in various subway derailments, extensive track outages, and substantial service disruptions impacting the health and safety of hundreds of thousands of riders;

WHEREAS, the ongoing failures of the tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to pose an imminent threat and have a vast and deleterious impact on the health, safety, and livelihood of commuters, tourists, resident New Yorkers, as well as business and commerce in the Metropolitan Commuter Transportation District (MCTD), which is the recognized economic engine of the State of New York, and thereby have adversely affected the New York State economy;

WHEREAS, the track outages and service disruption necessary to implement the Amtrak Repair Program, and other repairs necessary to fix tracks, signals, switches and other transportation infrastructure throughout the MTA's rail and subway system continue to be necessary to protect the public, health and safety of commuters, tourists, resident New Yorkers, and will continue to worsen the transportation disaster emergency that currently exists due to the condition of Penn Station and the MTA's rail and subway system as a whole; and,

WHEREAS, it continues to be necessary for the MTA and its subsidiaries and affiliates to take significant and immediate action to assist in the repair of the tracks, signals, switches and other transportation infrastructure and in the mediation of such track outages and service disruptions due to this disaster emergency;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency declared pursuant to Executive Order No. 168 and extend all of the terms, conditions, and directives of Executive Order No. 168 and the terms, conditions, and directives for any extensions of the same for the period from the date that the disaster emergency was declared pursuant to Executive Order No. 168 until February 25, 2018; provided that the temporary suspension of any laws, rules, regulations or guidelines pursuant to this and any future extensions of Executive Order 168 shall apply to the extent the Chairman of the MTA or his designee, which shall only include the MTA's President or Managing Director, determines it necessary for the purposes of awarding any contracts, leases, licenses, permits or any other written agreement that may be entered into to mitigate such disaster emergency.

(L.S.)

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

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 175: Ensuring Net Neutrality Protections For New Yorkers.

WHEREAS, the internet is an essential service that should be available to all New Yorkers;

WHEREAS, the free exchange of information, including the ability to access the content of their choosing secured with net neutrality protections is expected and relied upon by all New Yorkers;

WHEREAS, New York businesses need the ability to reach new markets, compete in an increasingly global economy, and attract new talent through a free and open internet;

WHEREAS, New York students rely on a free and open internet to learn and access information far beyond their physical reach;

WHEREAS, educational institutions throughout New York rely on a free and open internet to teach and help their students grow;

WHEREAS, New York State employees need access to a free and open internet to conduct business on behalf of the people of New York State;

WHEREAS, New Yorkers rely on a free and open internet to communicate with family and friends, participate in the democratic process, research important family and personal decisions, and learn and be entertained;

WHEREAS, the Federal Communications Commission (FCC) recently chose to do away with free and open internet protections in order to satisfy corporate interests that are not aligned with those of New Yorkers;

WHEREAS, the FCC has opined that violations of net neutrality principles are best viewed through the lens of state and federal trade and business practice laws, which can be enforced by state governments;

WHEREAS, many of the Internet Service Providers (ISPs) serving New Yorkers have made public pledges to continue to abide by the principles of a free and open internet despite the FCC's actions;

WHEREAS, New York State is a significant purchaser of internet and broadband services;

WHEREAS, New York State has a responsibility to ensure the efficient procurement of goods and services for the State of New York and its political subdivisions and the principles of net neutrality are inherently tied to the provision of high quality, high speed broadband internet service for the State;

WHEREAS, because many New York State government services are available only via the internet, and throttling or paid prioritization would limit the ability of many of the most vulnerable New Yorkers to access the internet; and

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York do hereby order and direct New York State's government, through this Executive Order, not to enter into any contracts for internet service unless the ISPs agree to

adhere to net neutrality principles. The Office of General Services or any other governmental entity of New York State, as defined herein, is directed to incorporate into the State's procurement process for internet, data, and telecommunications services criteria requiring that recipients of state contracts adhere to internet neutrality principles as follows:

A. Definitions

1. As used herein, ''net neutrality'' means ISPs will not block, throttle, or prioritize internet content or applications or require that end users pay different or higher rates to access specific types of content or applications.

2. As used herein, ''Affected State Entities'' means (i) all agencies and departments over which the Governor has Executive Authority; and (ii) all public-benefit corporations, public authorities and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

B. Agency Responsibilities

1. Affected State Entities are hereby directed to amend their procurement procedures to ensure that Affected State Entities only enter into contracts with ISPs that adhere to net neutrality principles and to ensure that internet services provided to Affected State Entities, include net neutrality protections, and specifically state that ISPs may not block lawful content, applications, services, non-harmful devices, or applications that compete with other services provided by the ISP. Any contract or contract renewal entered into by Affected State Entities for internet services on or after March 1, 2018, shall include a binding agreement consistent with the foregoing, and Affected State Entities shall not enter into a contract with any ISPs, agents therefor, or other entity offering to or procuring on behalf of any Affected State Entity internet services, without such a binding agreement.

2. The Department of Public Service is directed to evaluate potential actions to promote net neutrality in order to protect New Yorkers' access to a free and open internet.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fourth day of January in the year two thousand eighteen.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 176: Declaring a Disaster Emergency in the State of New York and Expanding Access to Immunize Children Against Seasonal Influenza.

WHEREAS, seasonal influenza has reached epidemic proportions in New York State in the first months of the current influenza season, with more than 25,000 confirmed cases;

WHEREAS, seasonal influenza poses a serious risk for children and people with weakened immune systems or chronic medical conditions, and has caused the deaths of individuals, including children, throughout the United States and in New York State during the current influenza season;

WHEREAS, seasonal influenza is a threat to public health and safety, and, if left unchecked, will result in death, hospital overcrowding, shortages of health care workers, and disruptions to businesses and critical infrastructure because of illness-related absenteeism;

WHEREAS, to combat further spread of seasonal influenza, it is necessary to facilitate the voluntary vaccination of as many individuals as possible as quickly as possible;

WHEREAS, allowing licensed pharmacists to vaccinate children between two years and 18 years of age will increase access and convenience to the seasonal influenza vaccine.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred throughout New York State, for which the affected local governments are unable to adequately respond, and I do hereby declare a State disaster emergency for the entire State of New York.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, as the case may be, during the period that such disaster emergency remains in effect, the following:

Subdivision 22 of Section 6802 of the Education Law, and any associated regulations, including, but not limited to, Title 8 of the New York State Codes, Rules, and Regulations Section 63.9, to the extent necessary to permit pharmacists who are already authorized to administer vaccinations against seasonal influenza to individuals 18 years of age and older also to administer vaccinations against seasonal influenza to individuals between two years and 18 years of age; and

Subdivision 7 of Section 6527 and Subdivision 7 of Section 6909 of the Education Law, and any associated regulations, including, but not limited to, Title 8 of the New York State Code, Rules, and Regulations Section 63.9, to the extent necessary to permit non-patient specific regimens to be prescribed and ordered to pharmacists already authorized to administer vaccinations against seasonal influenza to individuals 18 years of age and older, so that such pharmacists also may administer vaccinations against seasonal influenza to individuals between two years and 18 years of age.

FURTHER, this Order does not authorize: (i) any person to be vaccinated without his or her consent or the consent of another person legally authorized to consent on his or her behalf, and does not authorize any minor to be vaccinated without the consent of a person in parental relation to the minor; (ii) vaccination of children under two years of age; and (iii) vaccination of any individual for whom the vaccination is contraindicated.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fifth day of January in the year two thousand eighteen.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 177: Prohibiting State Contracts With Entities That Support Discrimination.

Whereas, New York State has a proud history of fighting for freedom, justice and equality and is committed to ensuring that no one infringes on the civil rights and liberties of its citizens and residents;

Whereas, in 1945, New York earned the proud distinction of being the first state in the nation to enact a Human Rights Law, which affords every citizen an equal opportunity to enjoy a full and productive life;

Whereas, New York State has continuously built upon such legacy by enacting additional protections which include enacting the Dignity for All Students Act to prohibit discrimination, harassment, and bullying in schools; adopting regulations to prohibit harassment and discrimination on the basis of gender identity, transgender status, or gender dysphoria; and issuing regulations to prohibit health insurers from discriminating or denying coverage based on gender identity;

Whereas, the federal government has taken steps to roll back fundamental civil rights protections and shirks its responsibility to protect individuals from discrimination and harassment;

Whereas, New York State refuses to follow suit with the federal government and will continue to vigorously defend the right of all its citizens and residents to be free from discrimination;

Whereas, the United States Supreme Court has declared it ''incontestable that the Constitution established a system of dual sovereignty'' wherein the states retained ''a residuary and inviolable sovereignty'' of their own; and

Whereas, the protection of the fundamental dignity of New Yorkers is a core sovereign interest of New York State's government;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order that New York State's government will not do business with entities that promote or tolerate discrimination or infringement on the civil rights and liberties of New Yorkers and direct State governmental entities as follows:

1. Definitions.

A. ''Affected State Entities'' means (i) all agencies and departments over which the Governor has executive authority, and (ii) all public-benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

2. New York State Policy.

(a) New York State is dedicated to ensuring that all individuals are treated equally, regardless of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis. To that end, New York has enacted numerous laws, regulations, and policies, and will continue to aggressively enforce its strong protections against discrimination to the maximum extent allowable by law.

(b) This policy shall be observed with respect to, but shall not be limited to, the provision of public goods, services, and accommodations, the educational environment, the workplace, and the provision of health care and insurance services.

3. Agency Responsibilities in State Contracting.

(a) Affected State Entities are hereby directed to amend their procurement procedures to prevent Affected State Entities from entering into contracts with entities that have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sexual orientation, gender identity, military status, sex, marital status, disability, or other protected basis.

(b) The Office of General Services and the Division of Human Rights shall jointly issue guidelines no later than May 1, 2018 to assist Affected State Entities in the process of identifying entities that shall be subject to the restriction described herein.

(c) Any contract or contract renewal entered into by Affected State Entities for goods, services, technology, or construction on or after June 1, 2018 shall include a binding agreement consistent with the foregoing, and Affected State Entities shall not enter into a contract with any entity providing such goods, services, technology, or construction, directly or indirectly, without such a binding agreement.

(d) These responsibilities shall be observed and implemented to the maximum extent allowable by law.

4. All anti-discrimination protections and guidelines referenced above shall be interpreted broadly and shall not be affected by unduly narrow federal executive branch interpretations of existing federal statutory anti-discrimination protections.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this third day of February in the year two thousand eighteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for Courts Exercising Criminal Jurisdiction

Pursuant to the authority vested in me, and upon consultation with and agreement of the Administrative Board of the Courts, I hereby amend the uniform rules for courts exercising criminal jurisdiction (22 NYCRR Part 200) by adding sections 200.16 and 200.27 as follows, effective January 1, 2018:

* * *

200.16/200.27: Issuance of Order Confirming Disclosure and Notice Obligations

In all criminal actions on an indictment, prosecutor's information, information, or simplified information, where counsel for the defendant has provided the prosecutor with a written demand as specified under CPL 240.10(1) and 240.20, or where the prosecution has waived such demand, the court shall issue an order to prosecution and defense counsel that, *inter alia*, (1) confirms the prosecutor's disclosure obligations pursuant to Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), People v Geaslen, 54 N.Y.2d 510 (1981), and their progeny; and (2) confirms defense counsel's professional obligation to provide effective assistance of counsel and meet defendant's statutory notice obligations. The order shall be issued on the first scheduled court date, following demand, where both the prosecutor and defense counsel are present. The Chief Administrator of the Courts shall promulgate a model order for this purpose that the court may use as it deems appropriate.