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NEW YORK STATE  
**REGISTER**

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- Implementation of Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application
- Information Appropriate for Victims of Sexual Assault

**Notice of Availability of State and Federal Funds**  
**Court Notices**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 60-day period expires on July 19, 2015
- the 45-day period expires on July 4, 2015
- the 30-day period expires on June 19, 2015

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## 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](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

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

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

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

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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](http://www.dos.ny.gov))

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# 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.

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## Office of Children and Family Services

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

#### Casework Contact for Foster Children Placed Out of State

I.D. No. CFS-20-15-00004-P

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

**Proposed Action:** Amendment of sections 428.3, 430.12 and 441.21 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d) and 34(3)(f)

**Subject:** Casework contact for foster children placed out of state.

**Purpose:** To conform NYS standards for casework contacts of foster children under age 18 who are placed out of state to federal standards.

**Text of proposed rule:** Subparagraph (iv) of paragraph (2) of subdivision (b) of section 428.3 is repealed, subparagraph (v) is amended and renumbered as subparagraph (iv) and subparagraph (vi) is renumbered as subparagraph (v) as follows:

(iv) [ if the child has been placed in foster care outside of the state, a report prepared every six months by a caseworker employed by either the authorized agency with case management and/or case planning responsibility for the child, the state in which the placement home or facility is located, or a private agency under contract with either the authorized agency or other state, documenting the caseworker's visit(s) with the child at his or her placement home or facility within the six-month period; and

(v)] the child's transition plan prepared in accordance with the standards set forth in section 430.12(j) of this Title[.]; *and*

[(vi)] (v) the foster child's consumer report provided in accordance with section 430.12(k) of this Title.

Subparagraph (x) of paragraph (2) of subdivision (c) of section 430.11 is repealed and subparagraphs (viii) and (ix) are amended to read as follows:

(viii) if the child has been placed in a foster care placement a substantial distance from the home of the parents of the child or in a state different from the state in which the parent's home is located, the uniform case record must contain documentation why such placement is in the best interests of the child; *and*

(ix) show in the uniform case record that efforts were made to keep the child in his or her current school, or where distance was a factor or the education setting was inappropriate, that efforts were made to seek immediate enrollment in a new school and to arrange for timely transfer of school records[; and

(x) if the child has been placed in foster care outside of the state in which the home of the parents of the child is located, the uniform case record must contain a report prepared every six months by a caseworker employed the authorized agency with case management and/or case planning responsibility over the child, the state in which the home is located, or a private agency under contract with either the authorized agency or other state documenting the caseworker's visit to the child's placement within the six-month period].

Paragraph (3) of subdivision (c) of section 430.12 is amended to read as follows:

(3) Casework contacts. (i) Standard. Casework contacts with the child, the child's caretakers, the child's parents or relatives, if any, must adhere to the standards mandated in section 441.21 [431.16] of this Title. [Notwithstanding any other provisions of this paragraph, the standards concerning casework contacts with the child are deemed to be met by the district for any child] *When a foster child [who has been] is placed in a facility operated or supervised by the Office of Mental Health, Office [of Mental Retardation and] for People with Developmental Disabilities, Office of Alcoholism and Substance Abuse Services or the Department of Health, casework contacts required by this paragraph may be made by appropriate staff from the above referenced state agencies or by appropriate staff who perform like or similar functions under contract with such state agencies where such contacts otherwise satisfy the frequency, location and content requirements set forth in section 441.21 of this Title.*

(ii) Documentation. The progress notes shall show the extent to which these contacts are occurring pursuant to section 441.21 of this Title [department regulations], the location of the contacts and the content of the contacts. [Information concerning services which are provided to children in facilities operated or supervised by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities and which is forwarded by such facilities to the social services district responsible for maintaining the uniform case record shall be included in the uniform case record and shall be deemed to fulfill the documentation requirements of this subparagraph.] *If such contact is made by appropriate state or contract staff, in accordance with subparagraph (i) of this paragraph, information concerning the date, location, content of the contact and services provided to the foster child must be forwarded by such state or contract staff in the month the contact occurs to the social services district or the voluntary authorized agency case manager or case planner responsible for maintaining the foster child's uniform case record. This information must then be included in the foster child's uniform case record in accordance with Part 428 of this Title.*

Paragraph (2) of subdivision (c) of section 441.21 is amended and a new paragraph (3) is added to read as follows:

(2) During the first 30 days of placement, casework contacts are to be held with the child as often as is necessary to implement the services tasks in the family and children's services plan but must occur at least twice. At least one of the two contacts must be held at the child's placement location. The focus of the initial contacts with the child must include, but need not be limited to, determining the child's reaction to the separation and his/her adjustment to the out-of-home placement and arranging for services necessary to meet his/her needs. After the first 30 days of placement, casework



contacts are to be held with the child at a minimum of once a month. At least two of the monthly contacts every 90 days must be at the child's placement location. If the youth is age 18 or older and is attending an educational or vocational program 50 miles or more outside the local social services district, the casework contacts may be made by telephone, [or] mail or electronically; provided, however, where the youth age 18 or older is placed in a foster care home or facility located outside of the State of New York, the face-to-face contact requirements set forth in subparagraph (ii) of paragraph (3) of this subdivision apply.

(3)(i) Where a foster child under the age of 18 is placed in a home or facility located outside of the State of New York, the monthly casework contact requirements set forth in paragraph (2) of this subdivision apply to such child. Such contacts must be made either by the authorized agency with case management and/or case planning responsibility for the child, a public agency in the state in which the foster home or facility is located or a private agency under contract with either the authorized agency or the other public agency.

(ii) Where a foster child is 18 years of age or older is placed in a home or facility located outside of the State of New York, a face-to-face contact with such foster child must be made at least every six months. Such casework contact must be made either by the authorized agency with case management and/or case planning responsibility for the child, a public agency in the state in which the foster home or facility is located or a private agency under contract with either the authorized agency or the public agency.

(iii) Casework contacts required by this paragraph must be recorded in the child's uniform case record in accordance the requirements of Part 428 of this Title.

**Text of proposed rule and any required statements and analyses may be obtained from:** Public Information Office, NYS Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 473-7793, email: info@ocfs.ny.gov

**Data, views or arguments may be submitted to:** Public Information Office, NYS Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, email: info@ocfs.ny.gov

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

**Regulatory Impact Statement**

1. Statutory authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 34(3)(f) of the SSL requires the Commissioner of OCFS to establish regulations for the administration of public assistance and care within the State.

Section 398(6)(a) of the SSL requires the local commissioners of social services to determine what assistance and care, supervision or treatment foster children require.

2. Legislative objectives:

The proposed regulations are necessary in order for New York State to comply with federal statutory mandates relating to caseworker visits (contacts) with foster children, in particular foster children placed outside of New York State. The federal mandates are set forth in Title IV-B, subpart 1 of the Social Security Act (SSA), specifically in section 422(b)(17) and 424(f) of the SSA.

Enhanced casework contact standards support the overall legislative goal that children be served by the child welfare system in settings where they are safe and receiving appropriate care and supervision, and that such children reside in permanent homes as soon as reasonably can be accomplished. Frequent casework contacts with foster children are important to assess and maintain the children's safety and well-being.

3. Needs and benefits:

The proposed regulations would impose new requirements on social services districts and voluntary authorized agencies in relation to making casework contacts for foster children under the age of 18 who are placed outside of the State of New York. Currently, casework contacts with foster children placed out-of-state must be made every 6 months. The proposed regulations would require that casework contacts must be made on a monthly basis for foster children under the age of 18 who are placed out of state. The proposed regulations would not apply to foster children who are 18 years of age or older who are placed outside of New York. The current six month casework contact standard will continue to apply for this category of foster children.

The proposed regulations will adopt the current regulatory requirement for monthly casework contacts in place for foster children placed in a home or facility in the State of New York. Expanding the monthly casework contact requirements to include foster children placed out-of-state who are under the age of 18 will provide a consistent, statewide standard that reflects the generally accepted good child welfare practice regarding the frequency of such contacts.

The proposed regulations maintain the current standard for in-state placements regarding foster children over the age of 18 who attend an educational or vocational program 50 miles or more outside the local social services district. In such cases, casework contacts must be monthly, but may be made by telephone or mail. The proposed regulations would permit such contacts may be made electronically.

The federal Administration for Children and Families of the Department of Health and Human Services (DHHS) indicates that a correlation exists between the number of casework contacts and positive outcomes for foster children, including: achieving reunification or other permanent placements; preserving the foster child's connections and relationship with family members; and involving children and parents or relatives in case planning. In addition, the Child Welfare League of America recommends monthly visits as a protective measure.

4. Costs:

The proposed regulation will assist New York State to avoid exposure to federal fiscal sanctions for non-compliance with federal caseworker visit (contact) requirements that impact the State's federal Title IV-B, subpart 1 funding. Although Title IV-B, subpart 1 funding does not support foster care costs, this is where DHHS has decided to assess the penalty.

Using the FFY 2014 Title IV-B, Subpart 1 grant award, the penalties would be:

Percentage	Funding Reduction
1 Percent	\$118,515
3 Percent	\$355,544
5 Percent	\$592,573

Since 2011, the average Title IV-B, Subpart 1 award has been \$12.9 million. Each year the annual grant has decreased.

5. Local government mandates:

The social services districts or voluntary authorized agencies that are not already conducting or arranging for monthly casework contacts with foster children under age 18 and placed out-of-state will have to increase these contacts or arrange for these contact requirements to be met by comparable staff in the state where the foster child is placed. As of April 30, 2015, there were 358 foster children placed out-of-state; 318 of them were under the age of 18, and 40 of them age 18 and over.

6. Paperwork:

All casework contacts must be documented in the child's Uniform Case Record in accordance with 18 NYCRR Part 428. The proposed regulations would allow comparable staff in the state where the foster child is placed to make the contact, record the information about such contact and send it to the responsible social services district or voluntary authorized agency where the child's case manager, case planner or foster child's caseworker is employed. Such documentation must be recorded electronically in the Progress Notes dialog in CONNECTIONS.

7. Duplication:

The proposed regulations do not duplicate other State requirements.

8. Alternatives:

The proposed regulations are necessary to improve the health, safety and well-being of foster children, to meet the requirements of federal statute and to avoid penalties imposed by the federal statute, as described below. Therefore, there are no alternatives to the proposed regulations.

9. Federal standards:

As a condition to receive federal Title IV-B, subpart 1 funding, New York State must have a State Plan that satisfies the requirements of section 422 of the SSA. One of the conditions is that New York State describes the standards for the content and frequency of caseworker visits (contacts) with foster children which, at a minimum, must be monthly. Section 424 of the SSA addresses the standards for payment of federal Title IV-B, subpart 1 funds to the States. Section 424(f) of the SSA requires that States must take steps to ensure that the total number of caseworker visits (contacts) is not less than ninety percent of the total number of such visits during the fiscal year, with at least fifty present occurring in the residence of the foster child. Effective with federal fiscal year 2015 and thereafter, the threshold standard for monthly caseworker visits is ninety-five percent of the total number of such visits that would occur during the fiscal year if each such child were so visited once every month while in care.

DHHS issued a Program Instruction ACYF-CB-PI-12-01 on January 6, 2012 clarifying federal policy that the Title IV-B caseworker visit standards noted above applies to foster children placed out of state. In addition, DHHS states that, at this time, States were not required to report caseworker visit on foster children 18 years of age or older.

10. Compliance schedule:

Compliance with the proposed regulations must begin immediately upon final adoption.



**Regulatory Flexibility Analysis**

1. Effect of Rule:

The proposed regulations will affect the 58 social services districts and the St. Regis Mohawk Tribe, which is authorized by sections 39 and 371(10)(b) of the Social Services Law (SSL) to provide child welfare services pursuant to its State/Tribal Agreement with the Office of Children and Family Services (OCFS). Voluntary authorized agencies also will be affected by the proposed regulations. There are approximately 111 such agencies.

2. Compliance Requirements:

The proposed regulations would impose new requirements on social services districts and voluntary authorized agencies in relation to making casework contacts with foster children who are placed out-of-state. These compliance requirements stem from sections 422(b)(17) and 424(f) of the Social Security Act (SSA) relating to caseworker visits (contacts) with foster children. The federal law requires that in order to continue to receive Title IV-B, subpart 1 funding, New York State must provide to the federal Department of Health and Human Services (DHHS) each year data on the percentage of foster children who were visited on a monthly basis and the percentage of visits that occurred in the residence of the child. New York State, in consultation with DHHS, had to establish an outline of the steps to be taken so that beginning by October 1, 2011 at least ninety percent of children in foster care are visited on a monthly basis and that the majority of the visits occur in the residence of the child. Effective federal fiscal year 2012, at least fifty percent of the monthly caseworker visits (contacts) must occur in the residence of the foster child. Effective federal fiscal year 2015 and thereafter, the total number of caseworker visits (contacts) made on a monthly basis to children in foster care during the fiscal year must not be less than at least ninety-five percent of the total number of such visits that would occur during the fiscal year if each such child were so visited one every month while in care.

If DHHS determines that the above referenced percentages are not achieved, the following penalties will be assessed:

- Percentage not met by less than 10%, Title IV B, subpart 1 funds are reduced by 1%;
- Percentage not met by between 10 and 20 %, Title IV-B, subpart 1 funds are reduced by 3%;
- Percentage not met by 20% or more, Title IV-B subpart 1 funds are reduced by 5%.

OCFS regulations currently meet the above referenced federal monthly casework contact requirement except for foster children under the age of 18 who are placed out-of-state. Current regulations require contact with a foster child placed in a home or facility outside of the State of New York every 6 months.

Following the enactment of the federal Act, New York State directly inquired of DHHS regarding the applicability of the standards noted above to foster children placed outside of the State of New York, including foster children over the age of 18. This was done because of an apparent conflict between the monthly casework contact requirements of Title IV-B (sections 422(b)(17) and 424(f) of the SSA) and a Title IV-E casework contact requirement that specifically references out-of-state placements (section 475(5)(A)(ii) of the SSA) that imposes a six month casework contact requirement. Thereafter, DHHS confirmed that the above referenced monthly casework contact provisions of Title IV-B applied to out-of-state placements of foster children under the age of 18. However in regard to foster children placed out of state who are over the age of 18, DHHS advised OCFS that the monthly Title IV-B casework contact requirements would apply to those foster children only if New York's age of majority was greater than 18 years of age and the state still had placement and care responsibility for the child.

In addition, DHHS issued a Policy Instruction, ACYF-CB-PI-12-01 on January 6, 2012 which confirmed that the federal monthly caseworker visit (contact) standards applied to foster children placed out of state. Also, DHHS informed the States that, at this time, DHHS was not requiring States to report caseworker visits of foster children who are 18 years of age or older.

Based on these responses and because a child, as defined in section 371(1) of the Social Services Law, is a person under the age of 18, the proposed regulations would expand to monthly the frequency of casework contacts for foster children under the age of 18 who are placed out-of-state. For those foster children age 18 and over who are placed out-of-state, the frequency of casework contacts remains at least every six months. As of April 30, 2015, there were 358 foster children placed out-of-state; 318 of them were under the age of 18, and 40 of them age 18 and over.

3. Professional Services:

It is expected that most social services districts and voluntary authorized agencies will not have to hire additional staff to implement the proposed regulations as the requirement will be met by comparable staff in the state where the child is placed. Caseworkers will have to enter the

casework contacts required by the proposed regulations into the Progress Notes dialog in the CONNECTIONS system. They have been comprehensively trained to use the system.

4. Compliance Costs:

New York State must implement the proposed regulations to avoid penalties for non-compliance with the federal monthly caseworker visit requirements that would impact the State's federal Title IV-B, Subpart 1 funding. Although Title IV-B, subpart 1 funding does not support foster care costs, this is where the federal Department of Health and Human Services has decided to assess the penalty.

Using the FFY 2014 Title IV-B, Subpart 1 grant award, the penalties would be:

Percentage	Funding Reduction
1 Percent	\$118,515
2 Percent	\$355,544
5 Percent	\$592,573

Since 2011, the average Title IV-B, Subpart 1 grant award has been \$12.9 million. Each year the annual grant has decreased.

5. Economic and Technological Feasibility:

Those social services districts that are not already conducting or arranging for monthly casework contacts with foster children under the age of 18 who are placed out-of-state will have to increase these contacts or arrange for these contact requirements to be met by comparable staff in the state where the foster child is placed. The proposed regulations also clarify that for foster children 18 years or older who are placed out of state the current six month casework contact standard remains in effect. Social services districts and voluntary authorized agencies will not need additional computers to perform these regulatory functions beyond those they already have.

6. Minimizing Adverse Impact:

The revisions to the casework contact requirements included in the proposed regulations are necessary to better promote the health, safety and well-being of foster children. To minimize potential adverse impact on the social services districts and voluntary authorized agencies, the proposed regulations allow comparable staff in the state where the foster child is placed to make the contact and record the information about such contact and send it to the responsible social services district or voluntary authorized agency where the child's case manager, case planner or foster child's caseworker is employed.

7. Small Business and Local Government Participation:

OCFS has distributed information about the federal requirements concerning casework contacts with foster children to social services districts and voluntary authorized agencies. In addition, conference calls have also been held to seek their input. OCFS has also publicized reports on this subject so social services districts and voluntary authorized agencies can assess their compliance levels.

**Rural Area Flexibility Analysis**

1. Types and Estimated Numbers of Rural Areas:

The proposed regulations will affect the 44 social services districts that are in rural areas. The St. Regis Mohawk Tribe is authorized by sections 39 and 371(10)(b) of the Social Services Law (SSL) as a social services district to provide child welfare services pursuant to its State/Tribal Agreement with the Office of Children and Family Services (OCFS). Those voluntary authorized agencies in rural areas contracting with social services districts to provide foster care and adoption services also will be affected by the proposed regulations. Currently, there are approximately 35 agencies.

2. Reporting, Recordkeeping and Compliance Requirements; and Professional Services:

The proposed regulations would bring New York State into compliance with federal standards relating to caseworker visits (contacts) with foster children placed out of state and reflect existing federal policy on caseworker visits of foster children. The federal compliance requirements are set forth in sections 422(b)(17) and 424(f) of the Social Security Act (SSA). Federal law requires that in order to continue to receive Title IV-B, subpart 1 funding, New York State must provide to the federal Department of Health and Human Services (DHHS) each year data on the percentage of foster children who were visited on a monthly basis and the percentage of visits that occurred in the residence of the child. New York State, in consultation with DHHS, had to establish an outline of the steps to be taken so that by October 1, 2011, at least ninety percent of children in foster care are visited on a monthly basis and that the majority of the visits occur in the residence of the child. Effective with federal fiscal year 2012, at least fifty percent of the monthly caseworker visits (contacts)

must occur in the residence of the foster child. Effective federal fiscal year 2015 and thereafter, the total number of caseworker visits (contacts) made on a monthly basis to children in foster care during the fiscal year must not be less than ninety-five percent of the total number of such visits that would occur during the fiscal year if each such child were so visited once every month while in care.

If DHHS determines that the above referenced percentages are not achieved, the following penalties will be assessed:

- Percentage not met by less than 10%, Title IV B, subpart 1 funds are reduced by 1%;
- Percentage not met by between 10 and 20 %, Title IV-B, subpart 1 funds are reduced by 3%;
- Percentage not met by 20% or more, Title IV-B, subpart 1 funds are reduced by 5%.

OCFS regulations currently meet the above referenced federal monthly casework contact requirement except for foster children under the age of 18 who are placed out-of-state. Current regulations require contact with a foster child placed in a home or facility outside of the State of New York every 6 months.

Following the enactment of the federal Act, New York State directly inquired of DHHS regarding the applicability of the standards noted above to foster children placed outside of the State of New York, including foster children over the age of 18. This was done because of an apparent conflict between the monthly casework contact requirements of Title IV-B (sections 422(b)(17) and 424(f) of the SSA) and a Title IV-E casework contact requirement that specifically references out-of-state placements (section 475(5)(A)(ii) of the SSA) that imposes a six month casework contact requirement. Thereafter, DHHS confirmed that the above referenced monthly casework contact provisions of Title IV-B applied to out-of-state placements of foster children under the age of 18. However in regard to foster children placed out of state who are 18 years of age or older, DHHS advised OCFS that the monthly Title IV-B casework contact requirements would apply to those foster children only if New York's age of majority was greater than 18 years of age and the state still had placement and care responsibility for the child.

In addition, DHHS issued Policy Instruction, ACYF-CB-PI-12-01 on January 6, 2012 which confirmed that the federal monthly caseworker visit (contact) standards applied to foster children placed out of state. Also, DHHS informed the States that, at this time, DHHS was not requiring States to report caseworker visits of foster children who are 18 years of age or older.

Based on these responses and because a child, as defined in section 371(1) of the Social Services Law, is a person under the age of 18, the proposed regulations would expand the casework contact requirements for those foster children placed out-of-state under the age of 18 to monthly. For those foster children placed out-of-state, age 18 and over, the requirement remains at every six months. As of April 30, 2015, there were 358 foster children placed out-of-state; 318 were under the age of 18, and 40 of them age 18 and over.

It is expected that most social services districts and voluntary authorized agencies will not have to hire additional staff to implement the proposed regulations as the requirement will be met by comparable staff in the state where the child is placed. Caseworkers will have to enter the casework contacts required by the proposed regulations into the Progress Notes dialog in the CONNECTIONS system. They have been comprehensively trained to use the system.

3. Professional Services:

It is anticipated that most social services districts and voluntary authorized agencies will not have to hire additional staff to implement the proposed amendments to regulations.

4. Costs:

New York State must implement the proposed regulations to avoid penalties for non-compliance with the federal monthly caseworker visit standards that impact the State's federal Title IV-B, subpart 1 funding. Although Title IV-B, subpart 1 funding does not support foster care costs, this is where the federal Department of Health and Human Services has decided to assess the penalty.

Using the FFY 2014 Title IV-B, Subpart 1 grant award, the penalties would be:

Percentage	Funding Reduction
1 Percent	\$118,515
3 Percent	\$355,544
5 Percent	\$592,573

Since 2011, the average Title IV-B, Subpart grant award has been \$12.9 million. Each year the annual grant has decreased.

5. Minimizing Adverse Impact:

The revisions to the casework contact requirements included in the proposed regulations are necessary to better promote the health, safety and well-being of foster children. To minimize potential adverse impact on the social services districts and voluntary authorized agencies, the proposed regulations allow comparable staff in the state where the foster child is placed to make the contact and record the information about such contact and send it to the responsible social services district or voluntary authorized agency where the child's case manager, case planner or foster child's caseworker is employed.

6. Rural Area Participation:

OCFS has distributed information about the federal requirements concerning casework contacts with foster children to social services districts and voluntary authorized agencies. In addition, conference calls have also been held to seek their input. OCFS has also publicized reports on this subject so social services districts and voluntary authorized agencies can assess their compliance levels.

Job Impact Statement

The proposed regulations will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job statement has not been prepared for the proposed regulations as it is assumed that the proposed regulations will not result in the loss of any jobs.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### Unfair Claims Settlement Practices and Claim Cost Control Measures

**I.D. No.** DFS-20-15-00002-E

**Filing No.** 351

**Filing Date:** 2015-05-04

**Effective Date:** 2015-05-04

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

**Action taken:** Amendment of Part 216 (Regulation 64) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202 and 302; and Insurance Law, sections 301 and 2601

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

**Specific reasons underlying the finding of necessity:** Insurance Law § 2601 prohibits an insurer doing business in New York State from engaging in unfair claims settlement practices and sets forth a list of acts that, if committed without just cause and performed with such frequency as to indicate a general business practice, will constitute unfair claims settlement practices. Insurance Regulation 64 sets forth the standards insurers are expected to observe to settle claims properly.

On October 26, 2012, in anticipation of extensive power outages, loss of life and property, and ongoing harm to public health and safety expected to result from then-Hurricane Sandy, Governor Andrew M. Cuomo issued Executive Order 47, declaring a State of Disaster Emergency for all 62 counties within New York State. As anticipated, Storm Sandy struck New York State on October 29, 2012, causing extensive power outages, loss of life and property, and ongoing harm to public health and safety. In addition, a nor'easter struck New York just a week later, adding to the damage and dislocation. Many people still had not had basic services such as electric power restored before the second storm hit.

Insurers insuring property in areas that were hit the hardest by the storms, including Long Island and New York City, have a number of claims left to settle. As a result, some homeowners and small business owners have not been able to start to repair or replace their damaged property, or in some cases, complete their repairs. Moreover, there are insureds who have had their claims denied by their insurers and whose only remaining option is to file a civil suit against their insurers. Lawsuits such as these can often take years to resolve, and homeowners and small businesses can not afford to wait for the resolution of their claims in the courts.

Fair and prompt settlement of claims is critical for homeowners, a number of whom have been displaced from their homes or are living in



unsafe conditions, and for small businesses, a number of which have yet to return to full operation and to recover their losses caused by the storm.

Given the nature and extent of the damage, an alternative avenue to mediate the claims would help protect the public and ensure its safety and welfare.

For the reasons stated above, the promulgation of this regulation on an emergency basis is necessary for the public health, public safety, and general welfare.

**Subject:** Unfair Claims Settlement Practices and Claim Cost Control Measures.

**Purpose:** To create a mediation program to facilitate the negotiation of certain insurance claims arising between 10/26/12 - 11/15/12.

**Text of emergency rule:** 216.13 Mediation.

(a) This section shall apply to any claim for loss or damage, other than claims made under flood policies issued under the national flood insurance program, occurring from October 26, 2012 through November 15, 2012, in the counties of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk or Westchester, including their adjacent waters, with respect to:

(1) loss of or damage to real property; or

(2) loss of or damage to personal property, other than damage to a motor vehicle.

(b)(1) Except as provided in paragraph (2) of this subdivision, an insurer shall send the notice required by paragraph (3) of this subdivision to a claimant, or the claimant's authorized representative:

(i) at the time the insurer denies a claim in whole or in part;

(ii) within 10 business days of the date that the insurer receives notification from a claimant that the claimant disputes a settlement offer made by the insurer, provided that the difference between the positions of the insurer and claimant is \$1,000 or more; or

(iii) within two business days when the insurer has not offered to settle within 45 days after it has received a properly executed proof of loss and all items, statements and forms that the insurer had requested from the claimant.

(2) If, prior to the effective date of this section: the insurer denied a claim in whole or in part; or a claimant disputed a settlement offer, or more than 45 days elapsed after the insurer received a properly executed proof of loss and all items, statements and forms that the insurer had requested from the claimant, and in either case the claim still remains unresolved as of the effective date of this section, then the insurer shall provide the notice required by paragraph (3) of this subdivision within ten business days from the effective date of this section.

(3) The notice specified in paragraphs (1) and (2) of this subdivision shall inform the claimant of the claimant's right to request mediation and shall provide instructions on how the claimant may request mediation, including the name, address, phone number, and fax number of an organization designated by the superintendent to provide a mediator to mediate claims pursuant to this section. The notice shall also provide the insurer's address and phone number for requesting additional information.

(c) If the claimant submits a request for mediation to the insurer, the insurer shall forward the request to the designated organization within three business days of receiving the request.

(d) The insurer shall pay the designated organization's fee for the mediation to the designated organization within five days of the insurer receiving a bill from the designated organization.

(e)(1) The mediation shall be conducted in accordance with procedures established by the designated organization and approved by the superintendent.

(2) A mediation may be conducted by face-to-face meeting of the parties, videoconference, or telephone conference, as determined by the designated organization in consultation with the parties.

(3) A mediation may address any disputed issues for a claim to which this section applies, except that a mediation shall not address and the insurer shall not be required to attend a mediation for:

(i) a dispute in property valuation that has been submitted to an appraisal process or a claim that is the subject of a civil action filed by the insured against the insurer, unless the insurer and the insured agree otherwise;

(ii) any claim that the insurer has reason to believe is a fraudulent transaction or for which the insurer has knowledge that a fraudulent insurance transaction has taken place; or

(iii) any type of dispute that the designated organization has excepted from its mediation process in accordance with the organization's procedures approved by the superintendent.

(f)(1) The insurer must participate in good faith in all mediations scheduled by the designated organization, which shall at a minimum include compliance with paragraphs (2), (3), and (4) of this subdivision.

(2) The insurer shall send a representative to the mediation who is knowledgeable with respect to the particular claim; and who has author-

ity to make a binding claims decision on behalf of the insurer and to issue payment on behalf of the insurer. The insurer's representative must bring a copy of the policy and the entire claims file, including all relevant documentation and correspondence with the claimant.

(3) An insurer's representatives shall not continuously disrupt the process, become unduly argumentative or adversarial or otherwise inhibit the negotiations.

(4) An insurer that does not alter its original decision on the claim is not, on that basis alone, failing to act in good faith if it provides a reasonable explanation for its action.

(g) An insured's right to request mediation pursuant to this section shall not affect any other right the insured may have to redress the dispute, including remedies specified in the insurance policy, such as an insured's right to request an appraisal, the right to litigate the dispute in the courts if no agreement is reached, or any right provided by law.

(h)(1) No organization shall be designated by the superintendent unless it agrees that:

(i) the superintendent shall oversee the operational procedures of the designated organization with respect to administration of the mediation program, and shall have access to all systems, databases, and records related to the mediation program; and

(ii) the organization shall make reports to the superintendent in whatever form and as often as the superintendent prescribes.

(2) No organization shall be designated unless its procedures, approved by the superintendent, require that:

(i) the parties agree in writing prior to the mediation that statements made during the mediation are confidential and will not be admitted into evidence in any civil litigation concerning the claim, except with respect to any proceeding or investigation of insurance fraud;

(ii) a settlement agreement reached in a mediation shall be transcribed into a written agreement, on a form approved by the superintendent, that is signed by a representative of the insurer with the authority to do so and by the claimant; and

(iii) a settlement agreement prepared during a mediation shall include a provision affording the claimant a right to rescind the agreement within three business days from the date of the settlement, provided that the insured has not cashed or deposited any check or draft disbursed to the claimant for the disputed matters as a result of the agreement reached in the mediation.

(3) No organization shall be designated unless its procedures, approved by the superintendent, provide that:

(i) the mediator may terminate a mediation session if the mediator determines that either the insurer's representative or the claimant is not participating in the mediation in good faith, or if even after good faith efforts, a settlement can not be reached;

(ii) the designated organization may schedule additional mediation sessions if it believes the sessions may result in a settlement;

(iii) the designated organization may require the insurer to send a different representative to a rescheduled mediation session if the representative has not participated in good faith, the fee for which shall be paid by the insurer; and

(iv) the designated organization may reschedule a mediation session if the mediator determines that the claimant is not participating in good faith, but only if the claimant pays the organization's fee for the mediation.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 1, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Brenda Gibbs, NYS Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 408-3451, email: [brenda.gibbs@dfs.ny.gov](mailto:brenda.gibbs@dfs.ny.gov)

#### Regulatory Impact Statement

1. Statutory authority: Sections 202 and 302 of the Financial Services Law and Sections 301 and 2601 of the Insurance Law. Financial Services Law § 202 grants the Superintendent of Financial Services ("Superintendent") the rights, powers, and duties in connection with financial services and protection in this state, expressed or reasonably implied by the Financial Services Law or any other applicable law of this state. Insurance Law § 301 and Financial Services Law § 302 authorize the Superintendent to prescribe regulations interpreting the provisions of the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law. Insurance Law § 2601 prohibits an insurer doing business in New York State from engaging in unfair claims settlement practices, sets forth certain acts that, if committed without just cause and performed with such frequency as to indicate a general business practice, constitute unfair claims settlement practices, and imposes penalties if an insurer engages in these acts. Such practices include "not attempting in good faith to effectu-

ate prompt, fair and equitable settlements of claims submitted in which liability has become reasonably clear” and “compelling policyholders to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.”

2. Legislative objectives: As noted in the Department’s statement in support for the bill that added the predecessor section to § 2601, Section 40-d, to the Insurance Law in 1970 (Chapter 296 of the Laws of 1970), an insurance company’s obligation to deal fairly with claimants and policyholders in the settlement of claims – indeed, its simple obligation to pay claims at all – was solely a matter of private contract law. That left the Department unable to aid consumers and relegated them solely to the courts. There was a wide variety in insurers’ claims practices. Insurance Law § 2601 reflects the Legislature’s concerns with insurance claims practices of insurers. In enacting that section, the Legislature authorized the Superintendent to monitor and regulate insurance claims practices.

3. Needs and benefits: On October 26, 2012, in anticipation of extensive power outages, loss of life and property, and ongoing harm to public health and safety expected to result from then-Hurricane Sandy, Governor Andrew M. Cuomo issued Executive Order 47, declaring a State of Disaster Emergency for all 62 counties within New York State. As anticipated, Storm Sandy struck New York State on October 29, 2012, causing extensive power outages, loss of life and property, and ongoing harm to public health and safety. In addition, a nor’easter struck New York just a week later, adding to the damage and dislocation. Many people still had not had basic services such as electric power restored before the second storm hit.

Insurers insuring property in areas that were hit the hardest by the storms, including Long Island and New York City, have a number of claims left to settle. As a result, a number of homeowners and small business owners have not been able to start to repair or replace their damaged property, or in some cases, complete their repairs. Many small businesses have suffered losses of income that threaten their survival. Fair and prompt settlement of claims is critical for homeowners, many of whom who have been displaced from their homes or who are living in unsafe conditions, and for small businesses, to enable them to return to full operation and to recover their losses caused by the storm. Furthermore, many small businesses provide essential services to and a significant source of employment in the communities in which they are located.

Moreover, there are many insureds who have had their claims denied by their insurers and whose only remaining option is to file a civil suit against their insurers. Lawsuits such as these can often take years to resolve, and homeowners and small businesses can not afford to wait for the resolution of their claims in the courts.

Therefore, this rule creates a mediation program to facilitate the negotiation of certain insurance claims arising in the counties of New York, Bronx, Kings, Richmond, Queens, Nassau, Suffolk, Westchester, Rockland, and Orange, the areas that suffered the greatest storm damage, between October 26, 2012 and November 15, 2012. An insured may request mediation for a claim for loss or damage to personal or real property (1) that the insurer has denied, (2) for which the insured disputes the insurer’s settlement offer if the difference between what the insured seeks and the insurer offers is more than \$1,000, or (3) that has not been settled within 45 days after the insurer received all the information the insurer needs to decide the claim. The amendment does not provide for mediation of claims for damage to motor vehicles.

Participation in the mediation program by insureds is voluntary. Participation by insurers in the mediation program is mandatory, except that an insurer is not required to participate in a mediation for any claim involving a dispute in property valuation that has been submitted to an appraisal process or that has become the subject of civil litigation, unless the insurer and insured agree otherwise. An insurer also is not required to mediate any claim for which the insurer has reason to believe or knowledge that a fraudulent insurance transaction has taken place.

4. Costs: This rule does not impose compliance costs on state or local governments. The rule may increase costs for insurers, because they will need to pay the costs of mediation and provide representatives to send to the mediations. However, by providing an alternative to litigation, the insurers should also realize savings from mediations that result in settlements because the cost to mediate a claim is significantly less than the cost to defend against civil litigation brought by insureds. The actual cost effect of the rule is difficult to quantify because it is dependent upon unknown variables such as how many claims will be subject to litigation, how many insureds will select the mediation option, and how many claims that are mediated will be successfully resolved without the insured resorting to litigation. Nothing in this rule requires insurers to reach a settlement in the course of a mediation.

5. Local government mandates: This rule does not impose any requirement upon a city, town, village, school district, or fire district.

6. Paperwork: This rule does not impose any additional paperwork.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: The Department considered making this rule applicable to the entire state. However, since the major concerns appeared to be localized, the applicability of the amendment is limited to those counties most impacted by the storm. In addition, the Department could have made the rule apply to all claims, even those that had been settled before the effective date of the rule. However, after meeting with industry trade groups and hearing their concerns, the Department modified the rule to make clear that, for claims that had already been made as of the rule’s effective date, only those that were denied or unresolved as of the rule’s effective date are covered by the rule. The Department also changed the rule so that it applies only to disputes where the parties’s positions are \$1,000 or more apart.

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas. The rule is consistent with federal standards or requirements. The regulation does not apply to claims made under policies issued under the national flood insurance program.

10. Compliance schedule: Insurers will be required to comply with this rule upon the Superintendent’s filing the rule with the Secretary of State.

#### **Regulatory Flexibility Analysis**

1. Small businesses: The Department of Financial Services (“Department”) 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 authorized to do business in New York State, none of which fall within the definition of a “small business” as found in State Administrative Procedure Act § 102(8). The Department has monitored annual statements and reports on examination of authorized insurers subject to this rule, and believes that none of the insurers falls within the definition of “small business” because no insurer is both independently owned and has fewer than 100 employees.

2. 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 authorized insurers, which are not local governments.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: “Rural areas,” as used in State Administrative Procedure Act (“SAPA”) § 102(10), means counties within the state having less than 200,000 population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of 200,000 or greater population, “rural areas” means towns with population densities of 150 persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein. While insurers affected by this rule may be headquartered in rural areas, the rule itself only applies within the counties of New York, Bronx, Kings, Richmond, Queens, Nassau, Suffolk, Westchester, Rockland, and Orange. None of these counties is a rural area, and the Department of Financial Services (“Department”) does not believe that there are any towns within any of those counties that would be considered to be rural areas within the SAPA definition.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rule would not impose any additional reporting or recordkeeping requirements. However, the rule would impose other compliance requirements on insurers that may be headquartered in rural areas by requiring insurers to participate in mediation sessions when an insured with a claim subject to the rule requests mediation of his or her claim.

It is unlikely that professional services would be needed in rural areas to comply with this rule.

3. Costs: The rule may result in additional costs to insurers headquartered in rural areas, because they will need to pay the costs of mediation and provide representatives to send to the mediations. However, by providing an alternative to litigation, the insurers may also realize savings from mediations that result in settlements because the cost to mediate a claim is significantly less than the cost to defend against civil litigation brought by insureds. The actual cost effect of the rule is difficult to quantify because it is dependent upon unknown variables such as how many claims will be subject to litigation, how many insureds will select the mediation option, and how many claims that are mediated will be successfully resolved without the insured resorting to litigation. Nothing in this rule requires insurers to reach a settlement in the course of a mediation.

4. Minimizing adverse impact: The Department considered the approaches suggested in SAPA § 202-bb(2) for minimizing adverse economic impacts. Because the public health, safety, or general welfare has been endangered, establishment of differing compliance or reporting requirements or timetables based upon whether or not the damage oc-



curred in a rural area is not appropriate. However, the rule applies only in the counties of New York, Bronx, Kings, Richmond, Queens, Nassau, Suffolk, Westchester, Rockland, and Orange, the areas that suffered the greatest storm damage, and thus the impact of the rule on rural areas is minimized, since none of those counties are rural areas.

5. Rural area participation: Public and private interests in rural areas have had a continual opportunity to participate in the rule making process since the first publication of the emergency measure in the State Register on March 13, 2013, which was published again in the State Register on February 4, 2015. The emergency measure also has been posted on the Department’s website continually since March 13, 2013.

**Job Impact Statement**

The Department of Financial Services does not believe that this rule will have any adverse impact on jobs or employment opportunities, including self-employment opportunities. This rule provides insureds with open or denied claims for loss or damage to personal and real property, except damage to automobiles, arising in New York, Bronx, Kings, Richmond, Queens, Nassau, Suffolk, Westchester, Rockland, and Orange counties between October 26, 2012 and November 15, 2012, with an option to participate in a mediation program to facilitate the negotiation of their claims with their insurers.

**NOTICE OF ADOPTION**

**Mandatory Underwriting Inspection Requirement for Private Passenger Automobiles**

**I.D. No.** DFS-07-15-00004-A

**Filing No.** 350

**Filing Date:** 2015-05-01

**Effective Date:** 2015-05-20

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

**Action taken:** Amendment of Part 67 (Regulation 79) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202 and 302; Insurance Law, sections 301, 3411, 5303 and art. 53

**Subject:** Mandatory Underwriting Inspection Requirement for Private Passenger Automobiles.

**Purpose:** Revise requirements regarding the inspection of private passenger automobiles for physical damage coverage.

**Text or summary was published in** the February 18, 2015 issue of the Register, I.D. No. DFS-07-15-00004-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Camielle Barclay, NYS Department of Financial Services, One State Street, New York, NY 10005, (212) 480-5299, email: camielle.barclay@dfs.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

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

**Financial Statement Filings and Accounting Practices And Procedures**

**I.D. No.** DFS-20-15-00005-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 Part 83 (Regulation 172) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202 and 302; Insurance Law, sections 107(a)(2), 301, 307, 308, 1109, 1301, 1302, 1308, 1404, 1405, 1407, 1411, 1414, 1501, 1505, 3233, 4117, 4233, 4239, 4301, 4310, 4321-a, 4322-a, 4327 and 6404; Public Health Law, sections 4403, 4403-a, 4403-(c)(12) and 4408-a; and L. 2002, ch. 599; L. 2008, ch. 311

**Subject:** Financial statement filings and accounting practices and procedures.

**Purpose:** To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2014 (instead of 2013).

**Text of proposed rule:** Subdivision (c) of section 83.2 is amended to read as follows:

(c) To assist in the completion of the financial statements, the NAIC also adopts and publishes from time to time certain policy, procedures and instruction manuals. The latest of these manuals, the Accounting Practices and Procedures Manual as of March [2014] 2015 \* (accounting manual) includes a body of accounting guidelines referred to as statements of statutory accounting principles (SSAPs). The accounting manual shall be used in the preparation of quarterly statements and the annual statement for [2014] 2015, which will be filed in [2015] 2016.

\*ACCOUNTING PRACTICES AND PROCEDURES MANUAL AS OF MARCH [2014] 2015. © Copyright 1999 – [2014] 2015 by National Association of Insurance Commissioners, in Kansas City, Missouri.

**Text of proposed rule and any required statements and analyses may be obtained from:** Sally Geisel, New York State Department of Financial Services, 1 State Street, New York, NY 10004, (212) 480-5287, email: sally.geisel@dfs.ny.gov

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

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

**Consensus Rule Making Determination**

No person is likely to object to amendment of the rule that adopts the most recent edition of the Accounting Practices and Procedures Manual As of March 2015 (“2015 Accounting Manual”), published by the National Association of Insurance Commissioners (“NAIC”), and replaces the rule’s current reference to the Accounting Practices and Procedures Manual As of March 2014.

All states require insurers to comply with the 2015 Accounting Manual, which establishes uniform practices and procedures for U.S.-licensed insurers. Adoption of the rule is necessary for the Department to maintain its accreditation status with the NAIC. The NAIC-accreditation standards require that state insurance regulators have adequate statutory and administrative authority to regulate insurers’ corporate and financial affairs, and that they have the necessary resources to carry out that authority.

The Department determines this rule to be a consensus rule, as defined in State Administrative Procedure Act § 102(11) (SAPA), and is proposed pursuant to SAPA § 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis.

**Job Impact Statement**

The Department does not believe that this rulemaking will have any impact on jobs and employment opportunities, including self-employment opportunities. The amendment adopts the most recent edition published by the National Association of Insurance Commissioners (“NAIC”) of the Accounting Practices and Procedures Manual As of March 2015 (“2015 Accounting Manual”), replacing the rule’s current reference to the Accounting Practices and Procedures Manual As of March 2014.

All states require insurers to comply with the 2015 Accounting Manual, which establishes uniform practices and procedures for U.S.-licensed insurers. Adoption of the rule is necessary for the Department to maintain its accreditation status with the NAIC. The NAIC accreditation standards require that state insurance regulators have adequate statutory and administrative authority to regulate insurers’ corporate and financial affairs, and that they have the necessary resources to carry out that authority.

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**New York State Gaming  
Commission**

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**EMERGENCY  
RULE MAKING**

**Implementation of Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application**

**I.D. No.** SGC-28-14-00006-E

**Filing No.** 349

**Filing Date:** 2015-04-30

**Effective Date:** 2015-04-30

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

**Action taken:** Addition of Part 5300 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1305(20) and 1307(2)

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

**Specific reasons underlying the finding of necessity:** The Gaming Commission (“Commission”) has determined that immediate adoption of these rules is necessary for the preservation of the general welfare. On March 31, 2014, the Gaming Facility Location Board, which the Commission established pursuant to section 109-a of the Racing, Pari-Mutuel Wagering and Breeding Law, issued a Request for Applications (“RFA”) for applicants seeking a license to develop and operate a gaming facility in New York State pursuant to the Upstate New York Gaming Economic Development Act of 2013, as amended by Chapter 175 of the Laws of 2013 (the “Act”). The Act authorizes four upstate destination gaming resorts to enhance economic development in upstate New York, completed applications were due to the Gaming Facility Location Board by June 30, 2014. The immediate re-adoption of these rules is necessary to prescribe the form of the RFA and the information required to be submitted in response to the RFA. Standard rule making procedures would prevent the Commission from commencing the fulfillment of its statutory duties.

**Subject:** Implementation of rules pertaining to gaming facility request for application and gaming facility license application.

**Purpose:** To facilitate a fair and transparent process for applying for a license to operate a gaming facility.

**Substance of emergency rule:** This addition of Part 5300 of Subtitle T of Title 9 NYCRR will add new Sections 5300.1 through 5300.5 to allow the New York State Gaming Commission (“Commission”) to prescribe the form of the application for a gaming facility license.

The new Part of the Gaming Commission regulations describes the form of application for applicants seeking a gaming facility license and the information the applicant must provide. Section 5300.1 sets forth the form of the application including disclosure of identifying information, finance and capital structure of the proposed gaming facility, economic and market analysis, proposed land and design of facility space, assessment of local support and plans to address regional tourism, problem gambling, workforce development and resource management. Section 5300.2 describes the scope of background information the applicant and related parties must provide in three disclosure forms, the Gaming Facility License Application Form, the Multi-Jurisdictional Personal History Disclosure Form and the Multi-Jurisdictional Personal History Disclosure Supplemental Form. Section 5300.3 describes the process by which all applicants for a gaming facility license shall submit fingerprints as part of a background investigation. Section 5300.4 describes the applicant’s duty to update its application as necessary, following submission of the application. Section 5300.5 describes the application fee and procedure for refunding a portion of such fee in certain circumstances.

**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. SGC-28-14-00006-EP, Issue of July 16, 2014. The emergency rule will expire June 28, 2015.

**Text of rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301-7500, (518) 388-3407, email: gamingrules@gaming.ny.gov

#### **Regulatory Impact Statement**

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 104(19) grants authority to the Gaming Commission (“Commission”) to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1305(2) grants rule making authority to the Commission to implement, administer and enforce the provisions of Racing Law Article 13.

Racing Law section 1306(1) and section 1312(1) prescribe that the Gaming Facility Location Board (“Board”), which is established by the Commission, shall issue a request for applications (“RFA”) for applicants seeking a license to develop and operate gaming facilities in New York State. On March 31, 2014, the Gaming Facility Location Board issued the RFA.

Racing Law section 1307(2) prescribes that the Commission regulate, among other things, the method and form of the application; the methods, procedures and form for delivery of information concerning an applicant’s family, habits, character, associates, criminal record, business activities, and financial affairs; and the procedures for the fingerprinting of an applicant.

2. **LEGISLATIVE OBJECTIVES:** This emergency rule making carries out the legislative objectives of the above-referenced statutes by implementing the requirements of Racing Law section 1307(2).

3. **NEEDS AND BENEFITS:** This emergency rule making is necessary to enable the Board to carry out its statutory duty of issuing the RFA for applicants seeking a license to develop and operate a gaming facility in New York State.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with the rule: Those parties who choose to seek a gaming facility license will bear some costs. There is an application fee of \$1 million that is prescribed by Racing Law section 1316(8) to defray the costs of processing the application and investigating the applicant. The extent of other costs incurred by applicants will depend upon the efforts that they put into completing and submitting the application.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The rules will impose some costs on the Commission in reviewing gaming facility applications and in issuing licenses, but it is anticipated that the \$1 million application fee paid by each applicant will offset such costs. The rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission’s experience regulating racing and gaming activities within the State.

5. **PAPERWORK:** The rules set forth the content of the application for a gaming facility license. The requirements apply only to those parties that choose to seek a gaming facility license.

6. **LOCAL GOVERNMENT MANDATES:** The rules do not impose any mandatory program, service, duty, or responsibility upon local government because the licensing of gaming facilities is strictly a matter of State law.

7. **DUPLICATION:** The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission is required to create these rules under Racing Law section 1307(2). Therefore, no alternatives were considered.

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York because such licensing is solely in accordance with New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that affected parties will be able to achieve compliance with the rules upon the adoption of the rules, which will occur upon filing.

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

This emergency rule making will not have any adverse impact on small businesses, local governments, jobs or rural areas. The rules prescribe the method and form of the application for a gaming facility license; the methods, procedures and form for delivery of information concerning an applicant’s family, habits, character, associates, criminal record, business activities, and financial affairs; and the procedures for fingerprinting an applicant. It is not expected that any small business or local government will apply for a gaming facility license.

The rules impose no adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. It is anticipated that the opening of up to four gaming facilities in upstate New York will create new job opportunities. The rules apply uniformly throughout the State to any applicant seeking a license to develop and operate a gaming facility in the State.

The proposal will not adversely impact small businesses, local governments, jobs, or rural areas. It does not require a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, or Job Impact Statement.

#### **Assessment of Public Comment**

The agency received no public comment since publication of the last assessment of public comment.

### **NOTICE OF WITHDRAWAL**

#### **Implementation of Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application**

**I.D. No.** SGC-17-15-00001-W

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

**Action taken:** Notice of proposed rule making, I.D. No. SGC-17-15-00001-EP, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on April 29, 2015.

**Subject:** Implementation of Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application.

**Reason(s) for withdrawal of the proposed rule:** Sought to file an Emergency Re-adoption of SGC-28-14-00006-EP, rather than initiate a new Proposed Rulemaking. Used wrong form.

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

**Amendments to Coupled Entries in Thoroughbred Wagering**

**I.D. No.** SGC-20-15-00003-P

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

**Proposed Action:** Amendment of section 4025.10 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutual Wagering and Breeding Law, sections 103(2), 104(1), (19) and 122

**Subject:** Amendments to coupled entries in thoroughbred wagering.

**Purpose:** To improve wagering opportunities in thoroughbred horse racing.

**Text of proposed rule:** Section 4025.10 of 9 NYCRR would be amended to read as follows:

§ 4025.10. Limitation on entries.

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(b) All horses in common ownership as defined in *subdivision (e)* of section [4026.2(e)] 4026.2 of this [Title] *article* (i.e., having any common managing owner) or *subdivision (c)* of section [4026.3(c)] 4026.3 of this *article* (i.e., in which there is a 25 percent commonality among nonmanaging owners) must be coupled and run as an entry.

\*\*\*

(d) A maximum of two horses trained by the same trainer may race uncoupled in any race provided the entries do not have common ownership as set forth in subdivision (b) of this section.

(e) The commission steward may require any horses entered in a race to be coupled for betting purposes prior to the commencement of wagering on-track and off-track, if such steward finds it necessary in the public interest.

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(g) Notwithstanding the provisions of subdivisions (b) and (d) of this section, no entry shall be coupled by reason of common ownership or training in any stakes race in which the gross purse is [\$1,000,000] \$50,000 or more, provided however that the provisions of subdivision (e) of this section shall continue to be applicable in any such races. In any race subject to the provisions of this subdivision, the racing secretary shall have the authority to establish a mutual field and coupled entries in any race with more than 14 starters. *When this subdivision permits two or more horses to race without being coupled and run as one entry, the race-track operator shall take such actions as are necessary to inform the public adequately with regard to the common ownership and/or trainer that would otherwise require such horses to be coupled as a single betting interest pursuant to this section.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, Acting Secretary, New York State Gaming Commission, One Broadway Center, PO Box 7500, Schenectady, New York 12305-7500, (518) 388-3407, email: gamingrules@gaming.ny.gov

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

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

**Regulatory Impact Statement**

1. Statutory Authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law sections 103(2), 104(1), 104(19) and 122. Under Section 103(2), the Commission is responsible to supervise, regulate, and administer all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities. Section 122 continues previous rules and regulations of the legacy New York State Racing and Wagering Board, subject to the authority of the Commission to modify or abrogate such rules and regulations.

2. Legislative Objectives: To improve wagering opportunities in thoroughbred pari-mutuel racing.

3. Needs and Benefits: This rulemaking will amend the thoroughbred limitation on entries rule, 9 NYCRR 4025.10, to allow horses with common ownership or trainers to be not coupled as a single betting interest in any stakes race with a purse of \$50,000 or more.

The current rule for coupling entries for betting purposes, when there is a common ownership of more than one horse in a race, or a common trainer of more than two horses in a race, excludes races in which the gross purse is \$1,000,000 or more at Section 4025.10(g).

The proposal would amend this exception to exclude stakes races in which the gross purse is \$50,000 or more. The proposal is consistent with recent amendments of a similar nature in other major racing jurisdictions, such as Kentucky and Texas. The racing stewards can closely monitor each race and have the authority to place any horse in a finishing position that is appropriate, if collusion is observed, and the rule proposal requires further that bettors be informed by the racetrack of any common ownership or trainer among horses in the same race. In addition, the Commission steward has the authority to order that horses be coupled if necessary in the public interest pursuant to 9 NYCRR 4025.10(e).

When horses are not coupled as a single entry, it increases the wagering opportunities, betting interest, and handle for the race. As a result, the proposal would result in increased revenues for thoroughbred racetracks in New York and generate more revenue for state and local government.

**4. Costs:**

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: This amendment would not add any new mandated costs to the existing rules.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. There will be no costs to local governments because they do not regulate pari-mutuel racing activities.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The Commission has determined that no costs will be imposed because the rule does not create any mandatory new duty or obligation.

5. Local Government Mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel horse racing activities.

6. Paperwork: The Commission will lessen the paperwork faced by thoroughbred racetrack operators by eliminating the requirement of coupling entries in more stakes races.

7. Duplication: None. The proposed amendments do not duplicate any existing State or Federal requirements.

8. Alternatives: The Commission considered eliminating the requirement of coupling entries in all races. The Commission concluded that it would be prudent to take an intermediate first step before considering a complete elimination of this rule.

9. Federal Standards: None. There are no federal standards related to the proposed amendments.

10. Compliance Schedule: The proposed rule does not create any additional requirements with which regulated persons must comply.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposal only authorizes the thoroughbred racetrack operators in New York not to couple the entries of horses with common ownership or trainers as a single betting interest in pari-mutuel stakes races with a gross purse of \$50,000 or more. The current rule authorizes such de-coupling of entries only if the gross purse is \$1,000,000 or more. The proposal will increase the wagering opportunities for those who are interested in wagering on the race. No regulated party will need a period to cure a pending matter because there is no penalty enhancement.

Such regulation will serve the best interests of thoroughbred racing by increasing the wagering opportunities that racetrack operators may offer to the wagering public. This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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**Office of Mental Health**

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**NOTICE OF ADOPTION**

**Patients Committee to the Custody of the Commissioner Pursuant to CPL Article 730**

**I.D. No.** OMH-10-15-00002-A

**Filing No.** 352

**Filing Date:** 2015-05-04

**Effective Date:** 2015-05-20

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



**Action taken:** Amendment of Part 540 of Title 14 NYCRR.  
**Statutory authority:** Mental Hygiene Law, sections 7.09 and 31.04; Criminal Procedure Law, art. 730.10  
**Subject:** Patients Committee to the Custody of the Commissioner Pursuant to CPL article 730.  
**Purpose:** Conform regulatory provisions to statute with respect to the performance of competency reports.  
**Text or summary was published** in the March 11, 2015 issue of the Register, I.D. No. OMH-10-15-00002-P.  
**Final rule as compared with last published rule:** No changes.  
**Text of rule and any required statements and analyses may be obtained from:** Sue Watson, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: Sue.Watson@omh.ny.gov  
**Assessment of Public Comment**  
 The agency received no public comment.

## Department of Motor Vehicles

### NOTICE OF ADOPTION

#### Commercial Learner's Permits and Commercial Driver's Licenses

**I.D. No.** MTV-11-15-00017-A

**Filing No.** 353

**Filing Date:** 2015-05-05

**Effective Date:** 2015-06-04 with the exception of section 3.6(a) which is effective 2015-07-08

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

**Action taken:** Amendment of sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a), 410-c, 501(2)(c) and 508(4)

**Subject:** Commercial learner's permits and commercial driver's licenses.

**Purpose:** Conforms state licensing requirements to federal requirements.

**Text of final rule:** Pursuant to the authority contained in Sections 215(a), 410-c, 501(2)(c) and 508(4) of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

\*\*\*\*\*

Section 3.1 is amended to read as follows:

Chapters 173 and 696 of the Laws of 1990 amended various provisions of the Vehicle and Traffic Law relating to driver licensing effective February 19, 1991. Those chapters provide that the holder of any previously issued license or permit to drive in existence on February 19, 1991 shall continue to have all of the rights granted by such license or permit at the time of its issuance until the expiration of that license or permit except that no such license or permit will be valid for the operation of a commercial motor vehicle on and after April 1, 1992. Those chapters also established a new classification system for driver licenses and provided for endorsements and restrictions which may be added to such licenses. This part is intended to implement the provisions of those chapters. *The provisions of this part that are applicable to an applicant for or the holder of a commercial driver's license shall also be applicable to an applicant for or the holder of a commercial learner's permit, except for those provisions which by their nature can have no application.*

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Subdivision (a), subparagraphs (ii) and (iii) of paragraph (1) of subdivision (b) and subdivision (c) of section 3.2 are amended to read as follows:

(a) License classifications. Paragraph (a) of subdivision two of section 501 of the Vehicle and Traffic Law establishes eight classes of driver licenses and sets forth the vehicles which may be operated with each such class subject to any required endorsements and any restrictions which may be made to any such license. The license classes are: A, B, C, D, E, DJ, M and MJ. Class A, class B and class C licenses which contain an H, P, S or X endorsement are commercial driver licenses or CDLs. Any other class license, including a class C license which does not contain an H, P, S or X endorsement is not a CDL. No license may contain more than one class

except that any license may contain a motorcycle M class in addition to its other class. A license which has both a motorcycle and a DJ class will be designated as a DMJ license. *No person shall apply for a commercial learner's permit unless such person holds a class D license. A commercial learner's permit may not be issued with an endorsement authorized by federal regulation, other than a P, S or N endorsement.*

(ii) Farm endorsement. There are three types of farm endorsements F, G and Z. The F endorsement is required on a non-CDL for operation of farm vehicles and farm vehicle combinations over 26,000 lbs. The G endorsement is required on a non-CDL for operation of single farm vehicles over 26,000 lbs. The Z endorsement is required on a non-CDL for transporting hazardous materials in a farm vehicle. All of the farm endorsements are limited to operation of the farm vehicle or combinations within 150 miles of the farm. Beyond that distance, an appropriate class CDL is required. Farm endorsements shall be issued for appropriate class licenses upon passage of an appropriate non-CDL knowledge test[,] and skills test in a representative vehicle, [and certification by the licensee that he operates a farm vehicle] except that a Z endorsement shall be issued only after the applicant also passes the hazardous materials knowledge test which is required for issuance of an H endorsement to a CDL.

(iii) Personal use vehicle endorsement. An R endorsement is the personal use vehicle endorsement. It is required on a non-CDL for operation of recreational vehicles and rental vehicles over 26,000 pounds GVWR or over forty feet in length for transportation of personal household goods. It shall be issued upon passage of a skills test in a recreational vehicle over 26,000 pounds GVWR or over forty feet in length when the licensee has not passed a CDL [knowledge] skills test.

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Paragraph (3) of subdivision (c) of section 3.2 is amended and a new paragraph 5 is added to read as follows:

Code	Restriction	Code	Restriction
A	ACCEL LEFT OF BRAKE	N	[PASS REST TO CLASS C VEH] NO CLASS A OR B PASSENGER VEHICLE
A2	PROBLEM DRIVER		
A3	MED CERT EXEMPT	N1	NO VEHICLE WITH DESIGNED ADULT SEATING CAPACITY OF 15 OR MORE PASSENGERS
A4	INTERLOCK DEVICE	N2	NO VEHICLE WITH DESIGNED ADULT SEATING CAPACITY OF 8 OR MORE PASSENGERS
B	CORRECTIVE LENSES	O	[TRK/TRLR COMBI ONLY] NO TRACTOR TRAILER CMV
C	MECHANICAL AID	O1	[TRUCK/TRL COMBI] No TRACTOR TRAILER CMV/TRUCK NOT OVER 26,000 GVWR
D	PROSTHETIC DEVICE	P	[POWER BRAKES]NO PASSENGERS IN CMV BUS
		P1	POWER BRAKES
E	[Automatic Transmission]NO MANUAL TRANSMISSION EQUIPPED CMV	Q	POWER STEERING
E1	AUTOMATIC TRANSMISSION		
F	[HEARING AID OR FULL VIEW MIRROR]OUTSIDE MIRRORS	R	BUILT UP SEAT/PED/SHOE
F1	HEARING AID/FULL VIEW MIRROR		
G	DAYLIGHT DRIVING ONLY	[S	HAZMAT/SCHOOL VEHICLE]

H	LIMITED TO EMPLOYMENT	T	CMV TRACTOR ONLY
I	LIMITED USE AUTO	U	HAND OPERATED BRAKE
I1	LIMITED USE MCY MAX 40 MPH	V	MEDICAL VARIANCE
I2	LIMITED USE MCY MAX 30 MPH	VI	FOOT OPER PARKING BRAKE
13	LIMITED USE MCY MAX 20 MPH	X	[FULL HAND CONTROL]NO CARGO IN CMV TANK VEHICLE
		XI	FULL HAND CONTROL
I4	THREE WHEEL MCY	Y	SHOULDER HARNESS USE
J	OTHER	Z	[WHEEL SPINNER]NO FULL AIR BRAKE EQUIPPED CMV
		ZI	WHEEL SPINNER
K	CDL INTRASTATE ONLY (DOES NOT PERMIT OPERATION OUTSIDE OF NYS IN INTERSTATE COMMERCE)	3	TELESCOPIC LENS
L	NO AIR BRAKES EQUIPPED CMV	5	NO LIMITED ACCESS ROADS
[L1	NO AIR BRAKES CLASS A VEH ]		
[L2	NO AIR BRAKES CLASS B VEH ]		
M	[PASS REST TO CLASS B VEH ] NO CLASS A PASSENGER VEHICLE		

(5) Commercial learner's permit restrictions. Every commercial learner's permit with a P (passenger) or S (school bus) endorsement must also carry a P restriction. Every commercial learner's permit with a T (tank) endorsement must also carry an X restriction. Every class B commercial learner's permit with a P or S endorsement must also carry an M restriction.

\*\*\*\*\*

Paragraphs (1), (2) and (3) of subdivision (a), and subdivisions (c) and (d) of section 3.3 are amended to read as follows:

(1) An appropriate learner's permit shall be issued upon passage of a vision test, submission of all documentation required with respect to age, identity and fitness, payment of [the application fee] *all fees required by section 503 of the Vehicle and Traffic Law, the taking of a photo image,* and passage of a knowledge test appropriate for the license for which application is being made. [No learner's permit which is valid for the operation of any vehicle which may not be driven with a class E or M license shall be issued.] An applicant shall be entitled to make an appointment to take a skills test upon submission of evidence of completion of the required preclicensing driver training and highway safety course as provided in Part 7 of this Title. [No skills test shall be given in any vehicle which may not be operated with a class E or M license.]

(2) Upon passage of a skills test, the applicant shall be issued an appropriate interim license *at a motor vehicle office or by mail, depending on the class of license.* Such license shall not be valid beyond the expiration on it. [Upon such passage the licensee shall be sent an application for a standard license document. Upon receipt of such form, the licensee must appear at a motor vehicle office and pay the required license fee and have his or her photo image taken. Thereafter, the appropriate standard license document shall be mailed to the licensee.]

(3) If during the course of an application for an original driver license, an applicant does not pass the skills test within *the period of validity* [a year from the issuance] of the learner's permit, such permit shall expire. If within [such year] *the period of validity,* the applicant fails two skills tests, the application and learner's permit shall expire. A new application procedure may then be commenced, except that a knowledge test shall be waived if that application is for the same type license and is made within two years from the date of passage of the prior knowledge test.

(c) Amendments to the license. A valid driver license may be amended by making application on a form provided for such purpose to a motor vehicle office, paying all fees and submitting all documentation required and passing the appropriate knowledge and/or skills test or tests if such tests are required. [If passage of a skills test is required, the procedure with respect to original licenses set forth above shall apply except that upon scheduling a skills test required for a class A, B or C license or for a recreational or farm vehicle endorsement, the fee required by Vehicle and Traffic Law section 503(2) must be paid at that time and if an interim license is issued after passage of the skills test for an amendment of a driver's license which was not a commercial driver license to a CDL, the interim license shall not be valid for more than 10 days.]

(d) Issuance of a license after revocation. If an applicant for a license has had his or her driver license revoked, an application for a new license must be made to the central office of the Department, *unless otherwise provided by law.* Any fee or penalty required by statute must be paid before such application may be approved. Upon approval of such a license application the usual procedure for obtaining an original license shall apply [except that if] *unless* such applicant qualifies for waiver of knowledge and skills tests as provided in Part 8 of this Title [procedure for renewal of a license shall be followed].

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Section 3.4 is amended to read as follows:

Knowledge tests appropriate for the class of license or license endorsement shall be in written form and shall be available in both English and Spanish. However, a knowledge test may be given in other than written form if the agent of the commissioner in charge of administering knowledge tests in that office is satisfied that the applicant is incapable of undertaking and completing a written test. The alternative testing procedure shall be oral and, unless a time, conditions and procedures for the giving of such tests in another language acceptable to the agent may be established, the test shall be in English, except that alternative CDL knowledge tests shall only be given in English and Spanish; *provided, however, that the knowledge test for the hazardous materials endorsement shall only be given in written form and in English.*

\*\*\*\*\*

Paragraphs (1), (3), (4), (6) and (8) are amended and paragraphs (5) and (7) of section 3.5 are repealed.

(1) If a skills test is taken and passed in a tractor-trailer combination (GCWR more than 26,000 lbs., GVWR of trailer more than 10,000 lbs.) and the CDL general knowledge and combination vehicle tests are passed, a class A license will be issued. Unless the vehicle was equipped with air brakes and the CDL air brake knowledge test has been passed, an air brake (L) restriction will be placed on the license. A class [C] *non-commercial class* license with a farm (F) endorsement will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is submitted].

(3) If a skills test is taken and passed in a truck-trailer combination (truck over 26,000 lbs. GVWR trailer over 10,000 lbs. GVWR) and the CDL general knowledge and combination vehicle tests have been passed, a class A license with truck trailer combination only (O) restriction will be issued. Unless the vehicle was equipped with air brakes and the CDL air brake knowledge test has been passed, an air brake (L) restriction will be placed on the license. *If a skills test is taken in a vehicle equipped with air over hydraulic brakes, a Z restriction must be placed on the CDL. Air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.* A class C license with a farm (F) endorsement with a truck trailer combination only (O) restriction will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is submitted]. A class C license with a personal use vehicle (R) endorsement will be issued if a CDL general knowledge test has not been passed [and no affidavit of farm operation is submitted].

(4) If a skills test is taken and passed in a truck-trailer combination (truck [18,001] up to 26,000 lbs. GVWR trailer over 10,000 lbs. GVWR) and the CDL general knowledge and combination vehicle test have been passed, a class A license with a truck-trailer combination only (truck cannot exceed 26,000 lbs. GVWR) (01) restriction will be issued. Unless the vehicle was equipped with air brakes and the CDL air brake knowledge test has been passed, an air brake (L) restriction will be placed on the license. *If a skills test is taken in a vehicle equipped with air over hydraulic brakes, a Z restriction must be placed on the CDL. Air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.* A class C license with a farm (F) endorsement with a truck-trailer combination only (truck cannot

exceed 26,000 lbs. GVWR) (01) restriction will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is submitted]. A class C license with a personal use vehicle (R) endorsement will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is not submitted].

(6) If a skills test is taken and passed in a truck with a GVWR over 26,000 lbs. and the CDL general knowledge test has been passed, a class B license will be issued. Unless the vehicle was equipped with air brakes and the CDL air brake knowledge test has been passed, an air brake (L) restriction will be placed on the license. *If a skills test is taken in a vehicle equipped with air over hydraulic brakes, a Z restriction must be placed on the CDL. Air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.* A class C license with a farm (G) endorsement will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is not submitted]. A class C license with a personal use vehicle (R) endorsement will be issued if a CDL general knowledge test has not been passed [and an affidavit of farm operation is not submitted].

(8) If a skills test is taken and passed in a bus over 26,000 lbs. GVWR and the CDL general knowledge and passenger endorsement tests have been passed, a class B license with a passenger (P) endorsement will be issued. Unless the vehicle was equipped with air brakes and the CDL air brake knowledge test has been passed an air brake (L) restriction will be placed on the license. *If a skills test is taken in a vehicle equipped with air over hydraulic brakes, a Z restriction must be placed on the CDL. Air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.*

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Paragraph (a) of section 3.6 is amended and paragraph (e) of such section is repealed:

(a) An application for a commercial driver’s license will not be accepted if the applicant is not a resident of this State. *In addition, an application shall not be accepted unless the applicant presents acceptable proofs of United States citizenship or lawful permanent residency, as prescribed by the commissioner.* For the purposes of this Part, the term “resident” shall mean domiciliary as defined in subdivision 5 of Section 250 of the Vehicle and Traffic Law.

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Subparagraph (iii) of paragraph (5) of section 3.7 is amended to read as follows:

(iii) that he or she is the holder of a valid “New York driver’s license, and has successfully completed the 15-hour “Motorcycle Rider Course: Riding and Street Skills” developed by the Motorcycle Safety Foundation (MSF), or a compatible course approved by the Department.

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**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 3.3(a)(1).

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

**Revised Job Impact Statement**

A revised Job Impact Statement is not requirement because the revision to the final rule is non substantive in nature and has no impact on job creation or development in the State.

**Assessment of Public Comment**

The agency received no public comment.

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## Public Service Commission

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### NOTICE OF WITHDRAWAL

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

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-50-10-00005-P	December 15, 2010
PSC-26-14-00012-P	July 2, 2014
PSC-26-14-00016-P	July 2, 2014

PSC-26-14-00018-P  
 PSC-26-14-00019-P  
 PSC-03-15-00005-P

July 2, 2014  
 July 2, 2014  
 January 21, 2015

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

#### Implementation of the Proposed Microgrid Business Model As a Reliability and Demand Management Resource

I.D. No. PSC-20-15-00006-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 Pareto Energy Ltd. to implement a Microgrid Business Model as a least-cost resource to meet reliability contingencies and demand management objectives.

**Statutory authority:** Public Service Law, sections 5(2), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Implementation of the proposed Microgrid Business Model as a reliability and demand management resource.

**Purpose:** Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource.

**Substance of proposed rule:** The Public Service Commission is considering a Petition filed on April 10, 2015 by Pareto Energy Ltd. (Pareto) regarding the implementation of a Microgrid Business Model as a least-cost resource to meet reliability contingencies and demand management objectives. The Microgrid Business Model Pareto proposes aims to maximize the contributions of customer-owned distributed energy resources (DER) to the utility-owned transmission and distribution grid. Pareto also proposes to substitute for current interconnection procedures a non-synchronous interconnection technology that may reduce costs and improve the functionality of DER-to-grid connections. The Commission may grant or deny, in whole or in part, the 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:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: Elaine.Agresta@dps.ny.gov

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

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

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

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

(15-E-0250SP1)

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

#### Considering Proposals for Changes to the Electronic Data Interchange Standards

I.D. No. PSC-20-15-00007-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 adopting, rejecting or modifying, in whole or in part, proposals for changes to the Electronic Data Interchange Standards filed on April 7, 2015 in the “Report on EDI Standards Development”.

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

**Subject:** Considering proposals for changes to the Electronic Data Interchange standards.

**Purpose:** To consider proposals for changes to the Electronic Data Interchange standards.

**Substance of proposed rule:** The Public Service Commission is considering whether to approve or reject, in whole or in part, the proposal filed on



April 7, 2015 by the New York Electronic Data Exchange Working Group regarding modifications to the EDI Standards. On February 6, 2015, the Commission issued an Order in Cases 12-M-0476, 98-M-1343, 06-M-0647 and 98-M-0667 Granting and Denying Petitions for Rehearing in Part. The Commission is now considering additional modifications to the EDI Standards. The Commission may adopt, reject, or modify, in whole or in part, the Staff proposal, 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:** Elaine Agresta, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2660, email: [elaine.agresta@dps.ny.gov](mailto:elaine.agresta@dps.ny.gov)

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

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

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

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

(12-M-0476SP10)

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

**Petition for Rehearing and/or Clarification of the Commission's Order, Issued in Case 13-W-0246**

**I.D. No.** PSC-20-15-00008-P

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

**Proposed Action:** The Commission is considering whether to grant or reject, in whole or in part, the petition of the Town of Ramapo seeking rehearing and/or clarification of the Commission's Order issued in Case 13-W-0246 on November 14, 2014.

**Statutory authority:** Public Service Law, sections 4, 5, 22, 89-a, 89-b, 89-c, 113 and 114

**Subject:** Petition for rehearing and/or clarification of the Commission's Order, issued in Case 13-W-0246.

**Purpose:** To consider the petition for rehearing and/or clarification filed by the Town of Ramapo.

**Substance of proposed rule:** The Public Service Commission is considering the petition of the Town of Ramapo (Ramapo) for rehearing and/or clarification of the Commission's Order Denying Surcharge and Making Determinations Regarding the Treatment of Certain Long-term Water Supply Development Costs, issued November 14, 2014. Ramapo alleges the Commission committed errors of law or fact (16 NYCRR 3.7) in: 1) allowing pre-construction costs to be accrued as Allowance for Funds Used During Construction (AFUDC); 2) implicitly approving allegedly imprudent actions and expenses incurred by United Water New York, Inc. (UWNY); 3) finding Department of Public Service Staff's audit of non-legal expenses sufficient; and 4) applying two separate standards of review to legal and non-legal expenses. Ramapo further seeks clarification regarding: allowed accrual of AFUDC development costs by the Uniform System of Accounts, the prudence of certain actions and expenses incurred by UWNY and the sufficiency of review by Staff of vendor invoices. The Commission may accept, reject or modify Ramapo's proposal in whole or part, or take other action in response to other parties' filings in response to the Ramapo petition.

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

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

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

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

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

(13-W-0246SP4)

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

**Actions on a Financing and Ownership Transfer and Restructuring Transactions for an Electric Transmission Facility**

**I.D. No.** PSC-20-15-00009-P

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

**Proposed Action:** The Commission is considering a petition filed on April 23, 2015 by Cross-Sound Cable Company, LLC, its affiliates, and other requesting actions on electric transmission facility financings and ownership transfer and restructuring transactions.

**Statutory authority:** Public Service Law, sections 5(2), 65(1), (2), (3), 66(1) (2), (3), (5), (8), 69 and 70

**Subject:** Actions on a financing and ownership transfer and restructuring transactions for an electric transmission facility.

**Purpose:** To consider actions on a financing and ownership transfer and restructuring transactions for an electric transmission facility.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed on April 23, 2015 by Cross-Sound Cable Company, LLC (CSC) and its affiliates, and AIA Energy North America, LLC and its affiliates, requesting approval of a financing consisting of bonds, credit facilities and working capital in an amount of up to \$137.5 million encumbering CSC's 24 mile merchant transmission line connecting Long Island and Connecticut. In addition, actions are requested on electric transmission and ownership transfer and restructuring transactions. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

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

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

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

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

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

(15-E-0243SP1)

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## Department of State

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### NOTICE OF ADOPTION

**Rules Relating to Real Estate Brokers and Salespersons**

**I.D. No.** DOS-11-15-00001-A

**Filing No.** 355

**Filing Date:** 2015-05-05

**Effective Date:** 2015-05-20

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

**Action taken:** Amendment of sections 175.12, 175.20, 175.24(a), 177.2, 179.1, 179.2(b) and 179.3(a) of Title 19 NYCRR.

**Statutory authority:** Real Property Law, section 442-K

**Subject:** Rules relating to real estate brokers and salespersons.

**Purpose:** To update obsolete and outdated regulations.

**Text of final rule:** Section 175.12 of Title 19 NYCRR is amended to read as follows:

175.12 Delivering [duplicate original] copy of instrument  
A real estate broker shall immediately deliver a [duplicate original]

copy of any instrument to any party or parties executing the same, where such instrument has been prepared by such broker or under his supervision and where such instrument relates to the employment of the broker or to any matters pertaining to the consummation of a lease, or the purchase, sale or exchange of real property or any other type of real estate transaction in which he may participate as a broker.

Subdivision (b) of section 175.20 of Title 19 NYCRR is amended to read as follows:

(b) Every branch office shall be under the direct supervision of the broker to whom the license is issued, or a representative broker of a corporation or partnership holding such license. [A salesperson licensed as such for a period of not less than two years and who has successfully completed a course of study in real estate approved by the Secretary of State, may be permitted to operate such a branch office only under the direct supervision of the broker provided the names of such salesperson and supervising broker shall have been filed and recorded in the division of licenses of the Department of State.]

Subdivision (c) of section 175.20 of Title 19 NYCRR is repealed.

Subdivision (a) of section 175.24 of Title 19 NYCRR is amended to read as follows:

(a) [Residential property as used in this section shall not include condominiums or cooperatives but shall be limited to one, two or three family dwellings.] *Residential real property as used in this section shall mean real property used or occupied, or intended to be used or occupied, wholly or partly, as a home or residence of one or more persons improved by: (i) a one to four family dwelling or (ii) condominium or cooperative apartments but shall not refer to unimproved real property upon which such dwellings are to be constructed.*

Section 177.2 of Title 19 NYCRR is amended to read as follows:

**177.2 Approved Entities**

Continuing education real estate courses and offerings may be given by any college or university accredited by the Commissioner of Education of the State of New York or by a regional accrediting agency approved by said Commissioner of Education; public or private vocational schools; real estate boards; and real estate related professional societies and organizations. *Courses, including sales or technology, that increase the competency of the licensee as it relates to the real estate transaction shall be acceptable as meeting continuing education requirements subject to the restrictions set forth in paragraph (d) of this section.* No real estate course of study seeking approval may be affiliated with or controlled by a real estate broker, salesperson, firm or company or real estate franchise, or controlled by a subsidiary of any real estate broker or real estate franchise. The following types of instruction shall not be acceptable as meeting continuing education requirements:

(a) general training or education to prepare a student for passing a real estate broker's or salespersons' examination which is not part of an approved course under Part 176 of this Title;

(b) offerings in mechanical office and business skills, such as typing, basis computer skills training, instructional navigation of the world wide web, instructional use of generic computer software, speed reading, memory improvement, report writing, personal motivation, salesmanship and sales psychology; [and]

(c) sales promotion meetings[.]; and

(d) subjects that are not real estate related.

Section 179.1 of Title 19 NYCRR is amended to read as follows:

**179.1 Qualifying experience**

An applicant for licensure as a real estate broker must possess [one] two years of full-time experience as a licensed real estate salesperson under the supervision of a licensed real estate broker or the equivalent full-time experience in general real estate business for a period of at least [two] three years.

Subdivision (b) of section 179.2 of Title 19 NYCRR is amended to read as follows:

(b) [1750] 3500 points shall equate to [a] two years of full-time experience.

Subdivision (a) of section 179.3 of Title 19 NYCRR is amended to read as follows:

(a) Experience points shall be credited an applicant in accordance with the following schedule:

**REAL ESTATE BROKER POINT SYSTEM FOR LICENSED SALESPERSON ACTIVITY ONLY**

Category	Point Value
<b>RESIDENTIAL SALES:</b>	
1. Single Family, condo, co-op unit, multi-family (2 to 8-unit), farm (with residence, under 100 acres)	250
2. Exclusive listings	10

3. Open listings	1
4. Binders effected	25
5. Co-op unit transaction approved by seller and buyer that fails to win Board of Directors approval	100

**RESIDENTIAL RENTALS:**

6. Rentals or subleases effected	25
7. Exclusive Listings	5
8. Open Listings	1
9. Property Management	
- Lease renewal	2
- Rent collections per tenant/per year	1

**COMMERCIAL SALES:**

10. Taxpayer/Storefront	400
11. Office Building	400
12. Apartment Building (9 units or more)	400
13. Shopping Center	400
14. Factory/Industrial warehouse	400
15. Hotel/Motel	400
16. Transient garage/parking lot	400
17. Multi-unit commercial condominium	400
18. Urban commercial development site	400
19. Alternative sale type transaction	400
20. Single-tenant commercial condo	250
21. Listings	10

**COMMERCIAL LEASING:**

22. New Lease-aggregate rental \$1 to \$200,000	150
23. New Lease-aggregate rental \$200,000 to \$1 million	250
24. New Lease-aggregate rental over \$1 million	400
25. Renewal-aggregate renewal \$1 to \$200,000	75
26. Renewal-aggregate rental \$200,000 to \$1 million	125
27. Renewal-aggregate rental over \$1 million	200
28. Listings	10

**COMMERCIAL FINANCING:**

**(includes residential properties of more than four units):**

29. \$1 to \$500,000	200
30. \$500,000 to \$5,000,000	300
31. Over \$5,000,000	400

**MISCELLANEOUS:**

32. Sale vacant lots, land (under 100 acres)	50
33. Sale vacant land (more than 100 acres)	150
34. Other must be fully explained. —	

**TOTAL POINTS NEEDED:** [1750] 3500

**Final rule as compared with last published rule:** Nonsubstantive changes were made in sections 177.2(a)-(d) and 179.2(b).

**Text of rule and any required statements and analyses may be obtained from:** David A. Mossberg, NYS Dept. of State, 123 William Street, 20th FL., New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

**Revised Job Impact Statement**

The non-substantive changes that have been made since publication of the Notice of Proposed Rule Making does not necessitate changes to the previously published JIS.

The only changes are as follows:

In section 177.2, in each of the four subdivisions (a-d), the first letter of the first word was changed from uppercase to lowercase, for the purpose of conforming to the style and form of NYCRR.

In section 179.2(b), a typographical error was corrected to more accurately indicate certain obsolete language that was previously contained in the rule's prior version. More specifically, the proposed published text mistakenly indicated that "1700" points had previously equated to one

year of full-time experience. The amended old text now accurately indicates that “1750” points had previously equated to one year of full-time experience. (The new text of 179.2(b) has not changed; it reads as previously published: “3500 points shall equate to two years of full-time experience.”)

In consideration of the foregoing, changes made to last published rule do not necessitate revision to the previously published JIS. Further, it remains apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs or employment opportunities.

#### **Initial Review of Rule**

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

#### **Assessment of Public Comment**

The agency received no public comment.

## Office of Temporary and Disability Assistance

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

#### **Information Appropriate for Victims of Sexual Assault**

**I.D. No.** TDA-20-15-00001-P

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

**Proposed Action:** Addition of section 351.2(m) to Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f) and 131(20); L. 2009, ch. 427

**Subject:** Information appropriate for victims of sexual assault.

**Purpose:** To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009.

**Text of proposed rule:** Subdivision (m) is added to section 351.2 of Title 18 NYCRR to read as follows:

*(m) Social services districts must make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault. Such information must be made available to all individuals who demonstrate a need for or who are interested in receiving services appropriate for victims of sexual assault, and must include referral and contact information for all local programs that provide services to victims of sexual assault including, but not limited to:*

*(1) sexual assault examiner programs, including a list of any local hospitals offering sexual assault forensic examiner services certified by the department of health;*

*(2) rape crisis centers; and*

*(3) other advocacy, counseling, and hotline services appropriate for victims of sexual assault.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Jeanine S. Behuniak, New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, New York 12243-0001, (518) 474-9779, email: Jeanine.Behuniak@otda.ny.gov

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

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

#### **Regulatory Impact Statement**

##### **1. Statutory authority:**

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of public assistance and care within the State.

SSL § 131 (20) requires OTDA to promulgate regulations to implement procedures for making all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault. Pursuant to this section, such information must be made available to all individuals who demonstrate a need for or who are interested in receiving services appropriate for victims of sexual assault.

Chapter 427 of the Laws of 2009 added subdivision (20) to SSL § 131,

which requires local social services districts (local districts) to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault.

##### **2. Legislative objectives:**

It was the intent of the Legislature in enacting Chapter 427 of the Laws of 2009 to ensure that individuals who have experienced sexual abuse or assault will receive information about locally available services for sexual assault victims in order to help protect such victims from further harm.

##### **3. Needs and benefits:**

The proposed regulatory amendments are consistent with Chapter 427 of the Laws of 2009 and would update the State regulations to require local districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault. Consistent with the statutory requirement, such information must be made available to all individuals who demonstrate a need for or who are interested in receiving services appropriate for victims of sexual assault, and must include referral and contact information for all local programs that provide services to victims of sexual assault. The intent of this information is to increase outreach to victims of sexual assault and to promote access to essential services necessary for victims of sexual assault to overcome the physical, mental and emotional trauma associated from such abuse.

##### **4. Costs:**

The proposed regulatory amendments would have no fiscal impact. These amendments are needed to bring the State regulations into compliance with State law. All portions of the regulatory proposal are necessary to comply with Chapter 427 of the Laws of 2009.

##### **5. Local government mandates:**

Pursuant to Chapter 427 of the Laws of 2009 and the proposed regulatory amendments, local districts need to establish a process, or modify an existing process, to ensure that all applicants for and recipients of public assistance are made aware of their option to receive information regarding services for victims of sexual assault. Local districts need to provide individuals who demonstrate a need for or who request information with referral and contact information for all local programs that provide services to victims of sexual assault. For the most part, the requirements set forth in Chapter 427 of the Laws of 2009 have had only a minimal impact on the local districts. The districts already had processes in place to meet with applicants and recipients, and they were already required to inform applicants and recipients of various resources and services available to them.

##### **6. Paperwork:**

To comply with Chapter 427 of the Laws of 2009 and the proposed regulatory amendments, the local districts need to provide certain applicants and recipients referral and contact information for all local programs that provide services to victims of sexual assault including, but not limited to: sexual assault examiner programs, including a list of any local hospitals offering sexual assault forensic examiner services certified by the Department of Health; rape crisis centers; and other advocacy, counseling and hotline services appropriate for victims of sexual assault. In the past, some local districts have had information packets and booklets available for victims of sexual assault.

##### **7. Duplication:**

These proposed amendments do not conflict with any existing State or federal statutes or regulations.

##### **8. Alternatives:**

The alternative is to leave 18 NYCRR § 351.2 intact. However, this is not an option because there would be no regulatory support for Chapter 427 of the Laws of 2009 and its amendment to SSL § 131 (20).

##### **9. Federal standards:**

The proposed amendments do not conflict with federal standards for public assistance.

##### **10. Compliance schedule:**

The local districts will be in compliance with the proposed regulations on their effective date. Chapter 427 of the Laws of 2009 is already in effect. OTDA has issued an Administrative Directive (ADM), transmittal 10-ADM-03, to the local districts explaining the requirements of Chapter 427 of the Laws of 2009 and providing guidance for implementation. The ADM informs local districts that they must make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault and then provide such information accordingly. The ADM provides resources that local districts can use to identify their local Department of Health certified hospitals offering sexual assault forensic examiner services as well as their local rape crisis centers. OTDA contact information is also included in the ADM in case local districts have questions.

#### **Regulatory Flexibility Analysis**

##### **1. Effect of rule:**

The proposed amendments will have a nominal effect on local governments, but they will not impact small businesses.



2. Compliance requirements:

Pursuant to Chapter 427 of the Laws of 2009 and the proposed regulatory amendments, local districts need to establish a process, or modify an existing process, to ensure that all applicants for and recipients of public assistance are made aware of their option to receive information regarding services for victims of sexual assault. Local districts need to provide individuals who demonstrate a need for or who request information with referral and contact information for all local programs that provide services to victims of sexual assault. For the most part, the requirements set forth in Chapter 427 of the Laws of 2009 have had only a minimal impact on the local districts. The districts already had processes in place to meet with applicants and recipients, and they were already required to inform applicants and recipients of various resources and services available to them.

3. Professional services:

The proposed amendments will not require small businesses or local governments to hire additional professional services.

4. Compliance Costs:

The proposed regulatory amendments would have no fiscal impact. These amendments are needed to bring the State regulations into compliance with State law. All portions of the regulatory proposal are necessary to comply with Chapter 427 of the Laws of 2009.

5. Economic and technological feasibility:

All small businesses and local governments have the economic and technological ability to comply with the proposed regulation.

6. Minimizing adverse impact:

The regulatory amendments would not have an adverse economic impact on local governments and small businesses. Pursuant to Chapter 427 of the Laws of 2009, local districts already are required to provide information regarding locally available services for victims of sexual assault.

7. Small business and local government participation:

Local districts did not participate in the development of this proposal because all portions of the amendment are necessary to comply with Chapter 427 of the Laws of 2009. However, OTDA did develop an Administrative Directive (ADM), transmittal 10-ADM-03, to explain the requirements of Chapter 427 of the Laws of 2009 and to address implementation. All of the local districts had an opportunity to review and comment on the draft version of the ADM. The local districts did not raise any objections or concerns regarding the implementation of the statutory requirements. The one comment received in response to the draft ADM was from a rural social services district, and the comment was favorable.

**Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas:

The proposed amendments will have a nominal impact on the forty-four rural social services districts (rural districts) in the State.

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

Pursuant to Chapter 427 of the Laws of 2009 and the proposed regulatory amendments, rural districts need to establish a process, or modify an existing process, to ensure that all applicants for and recipients of public assistance are made aware of their option to receive information regarding services for victims of sexual assault. Rural districts need to provide individuals who demonstrate a need for or who request information with referral and contact information for all local programs that provide services to victims of sexual assault. For the most part, the requirements set forth in Chapter 427 of the Laws of 2009 have had only a minimal impact on the local districts. The districts already had processes in place to meet with applicants and recipients, and they were already required to inform applicants and recipients of various resources and services available to them.

3. Costs:

The proposed regulatory amendments would have no fiscal impact. These amendments are needed to bring the State regulations into compliance with State law. All portions of the regulatory proposal are necessary to comply with Chapter 427 of the Laws of 2009.

4. Minimizing adverse impact:

The regulatory amendments would not have an adverse economic impact on rural districts. Pursuant to Chapter 427 of the Laws of 2009, local districts already are required to provide information regarding locally available services for victims of sexual assault.

5. Rural area participation:

Rural districts did not participate in the development of this proposal because all portions of the amendment are necessary to comply with Chapter 427 of the Laws of 2009. However, OTDA did develop a draft Administrative Directive (ADM), transmittal 10-ADM-03, to explain the requirements of Chapter 427 of the Laws of 2009 and to address implementation. All of the local districts, including the rural districts, had an opportunity to review and comment on the draft version of the ADM. The local districts did not raise any objections or concerns regarding the implementation of the statutory requirements. The one comment received

in response to the draft ADM was from a rural district, and the comment was favorable.

**Job Impact Statement**

A Job Impact Statement is not required for the proposed amendments. It is apparent from the nature and the purpose of the proposed amendments that they will not have a substantial adverse impact on jobs and employment opportunities. The proposed amendments will not affect in any significant way the jobs of the workers in the local districts. The proposed amendments will provide victims of sexual assault with appropriate information on resources available to them. The changes will not have any adverse impact on jobs and employment opportunities in the State.



**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b> AAM-17-15-00011-P .....	Growth and cultivation of industrial hemp	Department of Agriculture and Markets, 10B Airline Dr., Albany, NY—May 20, 2015, 11:00 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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**ADIRONDACK PARK AGENCY**

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

AAM-05-15-00002-P	..... 02/04/16	Incorporation by reference of the 2013 edition of the Grade A Pasteurized Milk Ordinance ("PMO")	To require certain producers, processors and manufacturers of milk and milk products to comply with the 2013 edition of the PMO
AAM-17-15-00011-P	..... 05/19/16	Growth and cultivation of industrial hemp	To set forth procedures for authorizing and regulating the growth and cultivation of industrial hemp

**AUDIT AND CONTROL, DEPARTMENT OF**

AAC-18-15-00003-P	..... 05/05/16	Prompt payment processing	To include electronic invoices and the processing of e-invoices within the procedures for calculating prompt payment interest
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**BATTERY PARK CITY AUTHORITY**

BPA-11-15-00018-P	..... 03/17/16	Proposed action is the amendment of the rules and regulations of Battery Park City parks	To remain consistent with the rules of other parks in New York City and to incorporate activities previously not addressed
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**CHILDREN AND FAMILY SERVICES, OFFICE OF**

CFS-11-15-00011-P	..... 03/17/16	Implementation of the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)	Implementation of the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)
CFS-12-15-00010-P	..... 03/24/16	Implementation of legislation for destitute children	To implement legislation for destitute children, re-entry into foster care and to make other technical amendments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-20-15-00004-P	05/19/16	Casework contact for foster children placed out of state	To conform NYS standards for casework contacts of foster children under age 18 who are placed out of state to federal standards
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-20-14-00003-P	05/21/15	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-25-14-00003-P	06/25/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-30-14-00003-P	07/30/15	Jurisdictional Classification	To classify a position in the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-30-14-00006-P	07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-30-14-00007-P	07/30/15	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-30-14-00011-P	07/30/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00005-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00006-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00007-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00008-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00009-P	11/05/15	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-14-00010-P	11/05/15	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-14-00011-P	11/05/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-14-00012-P	11/05/15	Jurisdictional Classification	To delete a heading and positions from the exempt class
CVS-44-14-00013-P	11/05/15	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-14-00014-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00015-P	11/05/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-14-00016-P	11/05/15	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-14-00017-P	11/05/15	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-14-00018-P	11/05/15	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-47-14-00002-P	11/26/15	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-47-14-00003-P	11/26/15	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-47-14-00004-P	11/26/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-14-00005-P	11/26/15	Jurisdictional Classification	To classify a position in the exempt class
CVS-47-14-00006-P	11/26/15	Jurisdictional Classification	To delete a subheading and positions from the exempt class
CVS-47-14-00007-P	11/26/15	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-15-00004-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-15-00005-P	01/07/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-15-00006-P	01/07/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-15-00007-P	01/07/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-15-00008-P	01/07/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-01-15-00009-P	01/07/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-15-00021-P	01/07/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-15-00022-P	01/07/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-01-15-00023-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-15-00002-P	03/17/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-15-00003-P	03/17/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-15-00004-P	03/17/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-15-00005-P	03/17/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-11-15-00006-P	03/17/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-11-15-00007-P	03/17/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-11-15-00008-P	03/17/16	Jurisdictional Classification	To classify a position in the non-competitive class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-11-15-00009-P	03/17/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-11-15-00010-P	03/17/16	Jurisdictional Classification	To delete subheadings and positions from and classify positions in the non-competitive class
CVS-13-15-00003-P	03/31/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-15-00004-P	03/31/16	Jurisdictional Classification	To delete a subheading and positions from and classify positions in the exempt class
CVS-13-15-00005-P	03/31/16	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-13-15-00006-P	03/31/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-15-00007-P	03/31/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-15-00014-P	03/31/16	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2015
CVS-14-15-00005-P	04/07/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-15-00006-P	04/07/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-15-00007-P	04/07/16	Jurisdictional Classification	To classify a position in the non-competitive class.
CVS-14-15-00008-P	04/07/16	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes.
CVS-19-15-00003-P	05/12/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-19-15-00004-P	05/12/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-19-15-00005-P	05/12/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-15-00006-P	05/12/16	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
<b>COMMISSIONER OF PILOTS, BOARD OF</b>			
COP-15-15-00014-P	exempt	Supplementary fees--Port of New York	Establishes rates and charges for pilotage in the Port of New York
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-08-15-00002-P	02/25/16	Rochester Correctional Facility	To correct the address for Rochester Correctional facility
CCS-15-15-00002-P	04/14/16	Taconic Correctional Facility	Remove reference to functions that are no longer operational at this correctional facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-13-15-00023-P	03/31/16	Statement of purpose for medical and physical fitness standards and procedures for police officer candidates	To clarify the purpose for the physical fitness standards for police officer candidates
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-46-14-00001-EP	11/19/15	Empire State Musical and Theatrical Production Tax Credit Program	Establish application procedures for the Empire State Musical and Theatrical Production Tax Credit Program
EDV-03-15-00001-P	01/21/16	Empire State Post Production Tax Credit Program	Establish application procedure for the Empire State Post Production Tax Credit Program
<b>EDUCATION DEPARTMENT</b>			
*EDU-19-14-00009-P	05/14/15	Mandatory reporting of information regarding possession, sale, use or manufacture of illegal drugs on school property/functions	To establish a mandatory reporting requirement for school personnel, sanctions for noncompliance, and protection for school personnel who report
EDU-27-14-00013-EP	07/09/15	Elementary and Secondary Education Act (ESEA) Flexibility and school and school district accountability	Conform regulations to State's ESEA Flexibility Waiver Renewal with respect to school and district removal criteria
EDU-48-14-00008-P	12/03/15	Field tests for State assessments, alternate assessments and Regents examinations	To clarify that school districts must administer field tests in the schools for which they are assigned
EDU-52-14-00014-ERP	12/31/15	Determination of student residency	Clarify requirements on student enrollment, particularly as to procedures for unaccompanied minors and other undocumented youth
EDU-05-15-00009-RP	02/04/16	Tuition Assistance Program	Establishment of standards for a student to regain good academic standing for the purposes of receiving awards under TAP
EDU-08-15-00006-EP	02/25/16	Appeals process on Regents exams passing score for English Language Learners (ELLs)	To extend ability to graduate with a Local Diploma via appeal process to qualifying English Language Learner (ELL) students who satisfy all other graduation requirements (including those who satisfy such requirements via available alternative pathways)
EDU-08-15-00007-EP	02/25/16	Teacher certification	To provide for a time extension of up to one-year for an expired initial certificate, transitional certificate and/or a conditional initial certificate to provide time for the revised Content Specialty Test (CST) results to be released by the Department
EDU-10-15-00003-P	03/10/16	Requirements for medical physics education programs and eligibility for limited permits in specialty areas of medical physics	To reflect changes in national accreditation requirements for medical physics education programs and repeal obsolete provisions
EDU-10-15-00004-P	03/10/16	Continuing education requirements for optometrists certified to use therapeutic pharmaceutical agents	To provide more flexibility in satisfying continuing education requirements by expanding the list of acceptable study methods
EDU-10-15-00011-P	03/10/16	Off-premises delivery of prescription medications by New York resident pharmacies	To require pharmacies to obtain patient consent before automatically delivering new or refilled prescriptions



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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-13-15-00021-P	03/31/16	Supplementary Teaching Certificates in Bilingual Education and English to Speakers of Other Languages (ESOL)	To provide additional pathways for teacher certification candidates to obtain supplementary bilingual education extension and the ESOL supplementary certificate, for a three year period to conclude on June 30, 2018
EDU-13-15-00022-EP	03/31/16	Pathways to Graduation and Regents Diploma Advanced Designation	(1) to clarify requirements for earning a Regents Diploma with advanced designation by students who elect to meet the requirements for a Regents diploma through the mathematics or science pathway options; and (2) to allow students to earn a Regents diploma
EDU-13-15-00030-P	03/31/16	Special Education Itinerant Services (SEIS)	To revise the SEIS tuition reimbursement methodology
EDU-14-15-00003-P	04/07/16	Self-administration of certain medications by students	To establish standards for the self-administration by students of certain prescribed medications on school property and at school functions and the training of unlicensed school personnel to administer prescribed epinephrine auto injectors and glucagon
EDU-14-15-00004-P	04/07/16	Pupils with Limited English Proficiency	Technical amendments relating to Units of Study and Provision of Credits For English As A New Language and Native Language Arts
EDU-17-15-00002-P	04/28/16	Licensure of Physician Assistants and Registration of Specialist Assistants	To conform Commissioner's Regulations to Chapter 48 of 2012 and remove obsolete provisions relating to physician assistants
EDU-17-15-00003-EP	04/28/16	Elementary and Secondary Education Act (ESEA) Flexibility and school and school district accountability	To conform the Commissioner's Regulations to New York State's ESEA Flexibility Waiver Renewal application with respect to Adequate Yearly Progress (AYP) and Local Assistance Plan (LAP) schools
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-16-15-00019-EP	04/21/16	Independent Expenditure Committee Disclosure	To set forth the requirements for Independent Expenditure Committees to disclose financial activity
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-31-14-00006-P	10/14/15	Petroleum Bulk Storage (PBS) and Used Oil Management	To harmonize existing State requirements with overlapping Federal requirements
ENV-31-14-00007-P	10/14/15	Chemical Bulk Storage	To amend existing CBS rule to be at least as stringent as EPA federal rule (40 CFR 280) and include NYS 2008 statutory changes
ENV-48-14-00005-P	01/27/16	Water quality standards for Class I and Class SD waters in New York City and Suffolk County	To amend New York's water quality standards for Class I and Class SD waters to meet the "swimmable" goal of the Clean Water Act
ENV-52-14-00027-P	02/09/16	The control of criteria air contaminants and toxic air contaminants from general process air pollution sources	To clearly define the federal and state requirements of the existing Part 212 rule, General Process Emission Sources
ENV-04-15-00006-P	01/28/16	Regulations governing the recreational harvest of winter flounder	Extend the recreational winter flounder fishing open season from April 1 - May 30 to March 1 - December 31

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-13-15-00031-EP	03/31/16	To amend 6 NYCRR Parts 10 and 40 pertaining to commercial and recreational regulations for striped bass	Reduce fishing mortality of striped bass to promote stable fish populations, and to remain in compliance with the ASMFC FMP
ENV-19-15-00008-P	05/12/16	Wild turkey fall hunting seasons and bag limits	To amend wild turkey hunting regulations to revise the fall hunting season structure (season zones, season length, bag limit)
ENV-19-15-00009-P	05/12/16	Deer Hunting Seasons and Deer Management Assistance Permits	Adjust antlerless deer harvest regulations to meet local population management needs, improve Deer Management Assistance Permits
ENV-19-15-00010-P	05/12/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-19-15-00016-P	05/12/16	Regulations governing the recreational harvest of black sea bass	To reduce recreational black sea bass harvest by 33% by increasing the fish minimum size to 14 inches
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-29-14-00014-P	07/23/15	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
DFS-29-14-00015-RP	07/23/15	Regulation of the conduct of virtual currency businesses	Regulate retail-facing virtual currency business activity in order to protect New York consumers and users and ensure the safety and soundness of New York licensed providers of virtual currency products and services
DFS-46-14-00013-P	11/19/15	Reports to Central Organization	To remove an outdated references to "PILR" in the title of section 62-2.2
DFS-52-14-00009-ERP	12/31/15	Independent Dispute Resolution for Emergency Services and Surprise Bills	To establish a dispute resolution process and standards for that process
DFS-18-15-00009-P	05/05/16	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-20-15-00005-P	05/19/16	FINANCIAL STATEMENT FILINGS AND ACCOUNTING PRACTICES AND PROCEDURES	To update citations in Part 83 to the Accounting practices and Procedures Manual as of March 2014 (instead of 2013)
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-28-14-00006-EP	07/16/15	Implementation of rules pertaining to gaming facility request for application and gaming facility license application	To facilitate a fair and transparent process for applying for a license to operate a gaming facility
SGC-19-15-00017-P	05/12/16	Permits coupled entries with thoroughbred superfecta wagering	To improve wagering opportunities in thoroughbred horse racing
SGC-20-15-00003-P	05/19/16	Amendments to coupled entries in thoroughbred wagering	To improve wagering opportunities in thoroughbred horse racing

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-36-14-00001-P	09/10/15	Procurement of New York State food products	To provide guidance to State Agencies as to how they procure food
GNS-18-15-00001-P	05/05/16	Federal Surplus Property Program	To conform the State Plan of Operation with requirements of Federal Management Regulations (FMR) 102-37.465
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-28-14-00008-RP	07/16/15	Immediate Needs for Personal Care Services	To provide for meeting the immediate needs of Medicaid applicants and recipients for personal care services
HLT-31-14-00002-P	08/06/15	Outpatient Services Licensed Under the Mental Hygiene Law	Creates methodology for adjusting provider reimbursement in OPWDD, OHM & OASAS certified clinics based on annual patient visits
HLT-32-14-00001-P	08/13/15	Blood Banks	Update practice standards, reflect changes and provide clarification of reg. provisions for blood banks and transfusion services
HLT-35-14-00002-P	09/03/15	Statewide Health Information Network for New York (SHIN-NY)	To promulgate regulations, consistent with federal law and policies, that govern the Statewide Health Information Network for NY
HLT-36-14-00012-P	09/10/15	Personal Care Services Program (PCSP) and Consumer Directed Personal Assistance Program (CDPAP)	To establish definitions, criteria and requirements associated with the provision of continuous PC and continuous CDPA services
HLT-39-14-00018-P	10/01/15	Medical Records Access Review Committees (MRARCs)	To designate rather than appoint MRARCs to hear appeals from the denial of access to patient information
HLT-40-14-00016-P	10/08/15	Inpatient Rate for Language Assistance Services	To establish hospital inpatient payment rate to reimburse hospitals for the costs of providing language interpretation services
HLT-40-14-00017-P	10/08/15	Nursing Home (NH) Transfer and Discharge Rights	To clarify requirements governing NH transfers and discharges so that facilities will uniformly comply with federal regulations
HLT-40-14-00018-P	10/08/15	Managed Care Organizations	To lower the contingent reserve requirement applied to the Medicaid Managed Care, Family Health Plus & HIV SNP Programs
HLT-41-14-00002-P	10/15/15	Certificate of Need (CON) Requirements	Simplify CON review requirements for projects involving nonclinical infrastructure, equipment replacement & repair & maintenance
HLT-42-14-00001-P	10/22/15	Audited Financial Statements for Managed Care Organizations	To extend audit and reporting standards to all managed care organizations (MCOs), including PHSPs, HIV SNPs and MLTCPs
HLT-43-14-00001-P	10/29/15	Hospital Observation Services	To amend current observation services provisions to be in compliance with changes in Public Health Law, Section 2805-v

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-08-15-00003-P	02/25/16	Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing	To increase maximum age of reporting certain birth defects to the Congenital Malformations Registry
HLT-11-15-00019-P	03/17/16	Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems	Establishes minimum water quality standards for individual onsite water supply systems
HLT-11-15-00020-P	03/17/16	School Immunization Requirements	Update regulations to ensure children entering grades kindergarten through 12 receive adequate number of required immunizations
HLT-16-15-00014-P	04/21/16	Rate Rationalization – Prevocational Services, Respite, Supported Employment and Residential Habilitation	To establish new rate methodology effective July 1, 2015
HLT-18-15-00008-P	05/05/16	Computed Tomography (CT) Quality Assurance	To protect the public from the adverse effects of ionizing radiation.
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-16-15-00003-P	04/21/16	Outside activities regulations	To provide guidance and approval procedures for outside activities by State government employees and officials
<b>LABOR, DEPARTMENT OF</b>			
LAB-17-15-00013-EP	04/28/16	Repeal and removal of fees	To repeal and remove certain safety and health fees without amending or repealing the safety and health protections
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-02-15-00002-P	03/09/16	Signage, Services and Gifts to Retailers	To enact business friendly amendments; eliminate interior sign restrictions; and increase annual dollar limits for advertising
LQR-13-15-00002-P	03/31/16	Updated application processes for various licenses and permits	To update permit filing procedures and contact information at the authority
<b>LONG ISLAND POWER AUTHORITY</b>			
*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-07-15-00003-P	exempt	The rates and charges set forth in LIPA's Tariff for Electric Service	To set rates and charges at the lowest level consistent with sound fiscal and operating practices and safe and adequate service

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-11-15-00013-P	03/17/16	Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth	Amend date of trend factor elimination to December 31, 2014 instead of June 30, 2015
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-12-15-00009-P	03/24/16	Physician assistants performing medical review after loss of consciousness	To allow physician assistants to perform a medical review after a loss of consciousness
MTV-13-15-00011-P	03/31/16	Registration of pick up trucks	To allow the registration of pick up trucks in the passenger class up to 6,000 pounds
MTV-13-15-00012-P	03/31/16	Off premise sales of motor vehicles	Provides guidance of off premise sales of motor vehicles by registered dealers
MTV-13-15-00013-P	03/31/16	Montgomery County motor vehicle use tax	To impose a Montgomery County motor vehicle use tax
MTV-17-15-00012-EP	04/28/16	Designation of authorized emergency vehicles for certain State leaders	Designates motor vehicle owned or operated by certain State leaders as authorized emergency vehicles
<b>NIAGARA FALLS WATER BOARD</b>			
*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
<b>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</b>			
NFT-04-15-00015-P	01/28/16	Smoking	To clarify where smoking is prohibited at NFTA locations
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-10-15-00005-P	04/27/16	Consolidated Fiscal Report Penalty Amendments	To change requirements for imposing a penalty on providers that fail to meet filing deadlines for cost reports
PDD-16-15-00016-P	04/21/16	Site Based and Community Prevocational Services	To distinguish requirements for site based prevocational services and community prevocational services
PDD-16-15-00017-P	04/21/16	Supported Employment Services (SEMP) Redesign	To redesign SEMP by establishing requirements for the provision and funding of Intensive and Extended SEMP
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
PAS-11-15-00016-P	..... exempt	Rates for the Sale of Power and Energy	To improve the net metering services currently offered by the Authority to its New York City and Westchester Customers
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge

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

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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-10-00005-P	..... exempt	Metered gas deliveries and lost and unaccounted for gas	To allow BEGWS to recover a refund from Corning for overcharges of gas deliveries
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-11-00017-P	..... exempt	Petition for the submetering of electricity	To consider the request of 56-7th Avenue LLC to submeter electricity at 56-7th Avenue, New York, New York
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00007-P	..... exempt	Petition for the submetering of electricity	To consider the request of 215 West 91st Street Corp. to submeter electricity at 215 West 91st Street, New York, New York
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-20-13-00008-P	..... exempt	Relief of the exhausting 315 Area Code	To reinstate the relief process for the 315 area code region beyond 2015
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-14-14-00016-P	..... exempt	Whether to permit the use of the Leviton Series 8000 electric submeter.	Pursuant to 16 NYCRR Parts 93 and 96, is necessary to permit the use of the Leviton Series 8000 electric submeter.
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
PSC-20-14-00011-P	..... exempt	Petitioners request an order approving enhanced benefits under the Renewable Portfolio Standard Program.	To enable continued operation of a 51 MW biomass fueled electric generating facility in Niagara Falls, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-24-14-00004-P	..... exempt	Approval of asset transfer.	To allow or disallow transfer of assets from Heritage Hills Water Works Corp. to Community Utilities of New York, Inc.
PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
PSC-25-14-00015-P	..... exempt	Surcharges related to the System Benefits Charge, Energy Efficiency Portfolio Standard, Retail Renewable Portfolio Standard	To reduce the public benefit surcharge applicable to large industrial, commercial and institutional energy consumers
PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
PSC-26-14-00012-P	..... exempt	The Commission's framework for regulating utilities and methods of ratemaking will be revised.	To allow energy efficiency and other distributed resources to take a primary role in the planning and operation of the grid.
PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
PSC-26-14-00016-P	..... exempt	The Commission's regulatory framework will be revised to create a flexible platform for new energy products and services.	To allow energy efficiency and other distributed resources to take a primary role in the planning and operation of the grid.
PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-26-14-00018-P	..... exempt	Rules regarding ownership and/or operation of the DSPPs will be created.	To best enable system-wide efficiency and market-based deployment of distributed energy resources and load management.
PSC-26-14-00019-P	..... exempt	Prohibitions or restrictions regarding the DSPPs ownership of DER will be created.	To protect against abuses associated with imbalances in market power.
PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
PSC-32-14-00013-P	..... exempt	Petition for submetering of electricity	To consider the request of 1 John Street LLC to submeter electricity at 1 John Street, Brooklyn, New York
PSC-32-14-00015-P	..... exempt	Revisions to modify and clarify provisions related to electric generators taking transportation service under SC Nos. 7 and 14	To modify and clarify provisions related to electric generators taking transportation service under SC Nos. 7 and 14
PSC-32-14-00018-P	..... exempt	Modifications to provisions related to electric generators and cogeneration facilities	Revisions related to electric generators and cogeneration facilities and align KEDNY's tariff provisions with those of KEDLI
PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
PSC-38-14-00020-P	..... exempt	Various tariff revisions to the rates, charges, rules and regulations.	For approval to make various tariff revisions to P.S.C. No. 4 - Steam.
PSC-39-14-00014-P	..... exempt	Whether to permit the use of the SATEC EM133 electric submeter.	Pursuant to 16 NYCRR Parts 93 and 96, is necessary to permit the use of the SATEC EM133 electric submeter.
PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-41-14-00009-P	..... exempt	Establishment of a Clean Energy Fund and related actions	Consideration of proposal by NYSEDA for the establishment of a Clean Energy Fund and related actions
PSC-41-14-00010-P	..... exempt	Reallocation of EEPS and SBC funds	Consideration of proposal by NYSEDA for reallocation of EEPS and SBC funds
PSC-41-14-00011-P	..... exempt	Establishment of annual collections caps and collection and spending mechanisms as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSEDA for the establishment of annual collections caps and collection and spending mechanisms
PSC-41-14-00012-P	..... exempt	Funding and management of the NY-Sun program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSEDA for the funding and management of the NY-Sun program
PSC-41-14-00013-P	..... exempt	Funding and management of the New York Green Bank as described in the Clean Energy Fund Proposal and NY Green Bank Petition	Consideration of proposal by NYSEDA for the funding and management of the New York Green Bank
PSC-41-14-00014-P	..... exempt	Funding and management of a Market Development program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSEDA for the funding and management of a Market Development program
PSC-41-14-00015-P	..... exempt	Funding and management of a Technology and Business Innovation program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSEDA for the funding and management of a Technology and Business Innovation program
PSC-41-14-00016-P	..... exempt	Inter-carrier telephone service quality standards and metrics	To review recommendations from the Carrier Working Group and incorporate modifications to the existing Guidelines
PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
PSC-44-14-00020-P	..... exempt	LDC inspection and remediation plans for plastic fusions	Whether to order LDCs to comply with their filed plans that address any safety risks associated with plastic fusions
PSC-45-14-00002-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO
PSC-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
PSC-45-14-00004-P	..... exempt	Petition for submetering of electricity	To consider the request of C B Frontier LLC, to submeter electricity at 200 East 39th Street, New York, New York
PSC-46-14-00008-P	..... exempt	Funding and eligibility rules for the Green Bank program as described in the Green Bank Petition.	Consideration of proposal by NYSEDA for the funding and eligibility rule changes for the Green Bank program.
PSC-47-14-00012-P	..... exempt	Consideration of the National Grid Implementation Plan and audit recommendations	To approve, modify or reject, in whole or in part, National Grid's Implementation Plan



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-48-14-00010-P	..... exempt	Major gas rate increase filing.	To establish rates and practices for gas service.
PSC-48-14-00011-P	..... exempt	Major electric rate increase filing.	To establish rates and practices for electric service.
PSC-48-14-00012-P	..... exempt	Authority to update its System Improvement Charge (SIC Mechanism).	To allow or disallow New York American Water Company to update its System Improvement Charge (SIC Mechanism).
PSC-48-14-00013-P	..... exempt	Petition for submetering of electricity.	To consider the request of Albee Tower 1 Owners LLC to submeter electricity at 70 Fleet Street, Brooklyn, New York.
PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
PSC-51-14-00005-P	..... exempt	Petitioner requests an order modifying its existing maintenance tier contract offered under the RPS Program	To resume operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York
PSC-51-14-00006-P	..... exempt	The Northeast Power Coordinating Council, Inc's A-Criteria documents and Criteria	To adopt revisions to various rules and measurements of the Northeast Power Coordinating Council, Inc.
PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
PSC-52-14-00023-P	..... exempt	LDC inspection and remediation plans for plastic fusions.	Whether to order Con Ed and ORU to comply with their filed plans that address any safety risks associated with plastic fusions.
PSC-52-14-00024-P	..... exempt	Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY programs.	To extend the DG and NGV programs to March 31, 2018 and for authorization of the Prime-WNY program.
PSC-52-14-00025-P	..... exempt	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$24,000 or 48%.	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$24,000 or 48%.
PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.
PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
PSC-01-15-00015-P	..... exempt	NYSEG is seeking waivers from certain regulatory requirements contained in an Order issued in Case 14-G-0197 on October 6, 2014	NYSEG is seeking waivers because it cannot certify the existing propane distribution system complies with certain regulations
PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-03-15-00003-P	..... exempt	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering	To allow residential customers to opt out of AMR metering for gas and make other tariff changes related to gas metering
PSC-03-15-00004-P	..... exempt	To allow residential customers a one time election to opt out of AMR metering and make other tariff changes related to metering	To allow residential customers a one time election to opt out of AMR metering and make other changes related to metering
PSC-03-15-00005-P	..... exempt	Minor electric rate filing	For approval to increase annual revenues by about \$300,000 or 17.96%
PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
PSC-04-15-00009-P	..... exempt	To start and finish construction of distribution and service lines in certain municipalities in Clinton County by dates certain.	To require NYSEG to start and complete construction of distribution and service lines in municipalities in Clinton County.
PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
PSC-04-15-00014-P	..... exempt	Request for waiver of 6 NYCRR Part 501 and United Water's tariff provisions governing main extensions.	To grant, deny or modify a petition for a waiver of 6 NYCRR Part 501 and related United Water's tariff provisions.
PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
PSC-07-15-00005-P	..... exempt	Major electric rate increase filing	To establish rates and practices for electric service
PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
PSC-07-15-00007-P	..... exempt	Major gas rate increase filing	To establish rates and practices for gas service
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-08-15-00011-P	..... exempt	Implementation of community net metering.	To consider implementation of community net metering.
PSC-09-15-00003-P	..... exempt	The recovery of costs related to a Reliability Support Services Agreement for services from R.E. Ginna Nuclear Power Plant, LLC	The recovery of costs related to a Reliability Support Services Agreement for services from R.E. Ginna Nuclear Power Plant, LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-09-15-00004-P	..... exempt	Refinancing and issuance of long-term debt securities	To authorize New York American Water Company, Inc. to refinance up to \$22,600,000 and issue up to \$45,300,000 of long-term debt
PSC-09-15-00005-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-09-15-00006-P	..... exempt	Petition for submetering of electricity	To consider the request of 315 East 68th Street Corporation to submeter electricity at 315 East 68th Street, New York, N.Y.
PSC-09-15-00007-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-10-15-00006-P	..... exempt	Amendment of submetering order(s) to allow Queens Fresh Meadows LLC and others to terminate electric service for failure to pay	Whether to amend Queens Fresh Meadows LLC submetering order and others to allow termination of electric service
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-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
PSC-10-15-00010-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-11-15-00021-P	..... exempt	Utility gas energy efficiency programs, targets, budgets and administration	To encourage the conservation of natural gas
PSC-11-15-00022-P	..... exempt	Petition for submetering of electricity	To consider the request of 160 Madison Ave LLC to submeter electricity at 160 Madison Avenue, New York, New York
PSC-11-15-00023-P	..... exempt	Petition for submetering of electricity	To consider the request of Renaissance Corporation of Albany to submeter electricity at 100 Union Drive, Albany, New York
PSC-11-15-00024-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at the Island House Apartments at 551, 555, 575 Main Street, N.Y., N.Y.
PSC-11-15-00025-P	..... exempt	LED Street Lighting	To update tariff leaves to reflect LED lighting options contained in P.S.C. No. 15 - Electricity
PSC-12-15-00005-P	..... exempt	Reliability Support Services Agreement for electric service reliability	Consideration of an extension of the Reliability Support Services Agreement for electric service reliability
PSC-12-15-00006-P	..... exempt	To consider a stock purchase for the cable system and related assets	To allow Adams CATV to purchase 100% of the stock of Oquaga Lake Cable System
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-12-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$299,966 or 3.2%
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-13-15-00025-P	..... exempt	Whether to permit the use of the Quadlogic Controls S-10T electric submeter	To permit the use of the Quadlogic S-10T submeter
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-14-15-00010-P	..... exempt	The sale of utility property	Whether to authorize the sale of street lighting facilities to the Town of West Seneca
PSC-14-15-00011-P	..... exempt	Refinancing proposed by East River Housing Corporation	To consider refinancing proposed by East River Housing Corporation
PSC-15-15-00004-P	..... exempt	Whether to permit the use of the GE/Dresser Model 5 transfer prover with 20M and 5M reference standards	Whether to approve the use of tthe Model 5 transfer prover, with 20M, and 5M reference stds
PSC-15-15-00005-P	..... exempt	The approval of Artech's Medium Voltage Class Metering Instrument Transformers in New York State	Whether to approve the use of Artech's Medium Voltage Class Metering Instrument Transformers in New York State
PSC-15-15-00006-P	..... exempt	Area Code Overlay	To authorize an area code overlay in the current 212/646/917 area code
PSC-15-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-15-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$1,197,760 or 2.48%
PSC-15-15-00009-P	..... exempt	Commercial System Relief Program, Direct Load Control Program	To establish the Commercial System Relief Program, Direct Load Control Program, and a concomitant cost recovery mechanism
PSC-15-15-00010-P	..... exempt	Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program	To establish the Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program
PSC-15-15-00011-P	..... exempt	Distribution Load Relief (DLR) Program, Peak Shaving Load Relief (PSLR) Program, and Direct Load Control (DLC) Program	To establish DLR, PSLR, and DLC demand response programs, as well as enable recovery of program costs
PSC-15-15-00012-P	..... exempt	Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program	To establish the Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-15-15-00013-P	..... exempt	Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program	To establish the Distribution Load Relief Program, Commercial System Relief Program, Direct Load Control Program
PSC-16-15-00004-P	..... exempt	To consider a joint proposal to extend the electric rate plan adopted by an additional year	To consider a joint proposal to extend the electric rate plan adopted by an additional year
PSC-16-15-00005-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-16-15-00006-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-16-15-00007-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-16-15-00008-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-16-15-00009-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-16-15-00010-P	..... exempt	The submetering of electric service at 325 Lexington Avenue, New York, NY 10016	Whether to authorize the submetering of electric service at 325 Lexington Avenue, New York, NY 10016
PSC-16-15-00011-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of North Queensview Homes to submeter electricity at 33-60 21st St., LIC, NY, and adjoining properties
PSC-16-15-00012-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Homeport I L.L.C. to submeter electricity at 7 and 8 Navy Pier Court, Staten Island, New York
PSC-16-15-00013-P	..... exempt	Net Energy Metering for Non-Residential Farm Waste or Fuel Cell Electric Generating Equipment and SIR	To effectuate changes to Public Service Law Sections 66-j in relation to Net Energy Metering and SIR
PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
PSC-17-15-00005-P	..... exempt	The submetering of electricity	To consider the request of Cottage Street Apartments, LLC, to submeter electricity at 31 Cottage Street, Troy, New York
PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
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-17-15-00008-P	..... exempt	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$35,507 or 22.8%	Whether to approve, modify or reject in whole or in part an increase in annual revenues of approximately \$35,507 or 22.8%



## Action Pending Index

NYS Register/May 20, 2015

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-17-15-00009-P	..... exempt	To make clarifying tariff revisions	For approval to make clarifying revisions to Rule 28 - Special Services Performed by Company at a Charge
PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
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-18-15-00006-P	..... exempt	Proposed Targeted Demand Management (TDM) Program and REV Demonstration Projects Cost Recovery and Incentive Mechanisms	To effectuate the TDM Program and to establish incentives and cost recovery for the TDM program and REV Demonstration Projects
PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
PSC-19-15-00012-P	..... exempt	Revisions to various provisions related to electric generators	To modify various provisions related to electric generators in KEDNY's tariff
PSC-19-15-00013-P	..... exempt	Revisions to various provisions related to electric generators	To modify various provisions related to electric generators in KEDLI's tariff
PSC-19-15-00014-P	..... exempt	Service Classification No. 14 - Gas Transportation Service for Dual Fuel Electric Generators (SC No. 14)	For approval to add a new provision to cap the overall transportation rate charged to SC No. 14 customers
PSC-19-15-00015-P	..... exempt	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York
PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource.	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource.
PSC-20-15-00007-P	..... exempt	Considering proposals for changes to the Electronic Data Interchange standards.	To consider proposals for changes to the Electronic Data Interchange standards.
PSC-20-15-00008-P	..... exempt	Petition for rehearing and/or clarification of the Commission's Order, issued in Case 13-W-0246.	To consider the petition for rehearing and/or clarification filed by the Town of Ramapo.
PSC-20-15-00009-P	..... exempt	Actions on a financing and ownership transfer and restructuring transactions for an electric transmission facility.	To consider actions on a financing and ownership transfer and restructuring transactions for an electric transmission facility.
<b>STATE, DEPARTMENT OF</b>			
DOS-41-14-00001-P	..... 10/20/15	Minimum standards for code enforcement training	To establish minimum training standards so as to increase the level of competency and reliability of code enforcement personnel
DOS-02-15-00004-EP	..... 03/01/16	Use of truss type, pre-engineered wood or timber construction in residential structures	To implement the provisions of new section 382-b of the Executive Law, as added by chapter 353 of the Laws of 2014

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE, DEPARTMENT OF</b>			
DOS-04-15-00004-EP	03/19/16	Issuance of an order to remedy a violation of the Uniform Code	Fix the time for compliance with an order to remedy any condition found to exist in buildings in violation of the Uniform Code
DOS-05-15-00007-EP	03/23/16	Addition of provisions relating to “sparkling devices” to the State Uniform Fire Prevention and Building Code	To amend the Uniform Code to provide additional requirements applicable to buildings and structures where “sparkling devices” are manufactured, stored or used and add other restrictions on the use of “sparkling devices”
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-08-15-00012-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, 2015 through June 30, 2015
TAF-17-15-00010-EP	04/28/16	City of New York withholding tables and other methods	To provide current City of New York withholding tables and other methods
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-49-14-00001-P	12/10/15	Local Advisory Councils	Repeal the regulatory requirement that social services districts establish and maintain local advisory councils
TDA-12-15-00004-P	03/24/16	Delete regulatory references to the Learnfare Program	Make technical amendments to reflect that the statutory authority to operate the Learnfare Program has expired
TDA-15-15-00003-P	04/14/16	Video Hearings	The rule would specifically allow the Office of Administrative Hearings to conduct fair hearings by means of video equipment
TDA-18-15-00002-P	05/05/16	Child Support	To reflect the revised case closure criteria as set forth in the federal Department of Health and Human Services regulation
TDA-20-15-00001-P	05/19/16	Information appropriate for victims of sexual assault	To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-11-15-00014-P	03/17/16	Use of rest areas (section 156.3) and safe operation of commercial motor vehicles (section 820.14)	To update applicable regulations in 17 NYCRR 156.3(c) and 820.14
TRN-11-15-00015-P	03/17/16	Safe operation of commercial motor vehicles by motor carriers and drivers	To update applicable regulations in 17 NYCRR Part 820, added 12/12/2004
<b>WORKERS’ COMPENSATION BOARD</b>			
WCB-14-15-00009-P	04/07/16	Health Insurance Matching Program (HIMP)	Provide the process for health insurers to recover from workers’ compensation carriers



# SECURITIES OFFERINGS

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## STATE NOTICES

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

## DEALERS; BROKERS

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13 Include/Nancy G., LLC  
800 Arbor Dr. N, Louisville, KY 40223

184 East 64th Street Holding LLC  
12 Water St., Suite 204, White Plains, NY 10601  
*State or country in which incorporated* — Delaware

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

AG Energy Credit Opportunities Holdings, L.P.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167  
*Partnership* — AG Energy Credit Opportunities Fund GP LLC

All Island Credit Corp.  
80 Skyline Dr., P.O. Box 830, Suite 100, Plainview, NY 11803  
*State or country in which incorporated* — New York

Alta Park Opportunities Fund I, LP  
One Market St., Spear Tower, Suite 3750, San Francisco, CA 94105  
*Partnership* — Alta Park Partners, LLC, general partner

Altus ER Holdco, L.P.  
11233 Shadow Creek Pkwy., Suite 313, Pearland, TX 77584  
*Partnership* — Altus Management, LLC

Aqua-Spark Cooperatieve U.A.  
Achter Sint Pieter 5, Utrecht, Netherlands 3512 HP

Axiom Capital Management, Ltd.  
780 3rd Ave., 43rd Fl., New York, NY 10017

BackBoard Inc.  
168 Beechwood Rd., Summit, NJ 07901  
*State or country in which incorporated* — Delaware

BAE Energy Management, LLC  
100 Crossways Park Dr. W, Suite 405, Woodbury, NY 11797

BBH Wealth Strategies, LLC – Oaktree Opportunities Series  
140 Broadway, New York, NY 10005

Bitcoin Shop, Inc.  
1901 N. Fort Myer Dr., Arlington, VA 22209  
*State or country in which incorporated* — Nevada

Black Flag Brewing Company, LLC  
9101 Gracious End Court, T#2, Columbia, MD 21046  
*State or country in which incorporated* — Maryland

Blue Jay Health Sciences Fund, Ltd.  
c/o Deutsche International Corporate Services (Ireland) Ltd., 5  
Harbourmaster Place, IFSC, Dublin 1, Ireland  
*State or country in which incorporated* — Cayman Islands

CallingMed LLC  
1451 W. Cypress Creek Rd., Suite 300, Fort Lauderdale, FL 33309  
*State or country in which incorporated* — Delaware limited liability  
company

CCDJ Fund, LP  
819 Van Nuys, San Diego, CA 92109  
*State or country in which incorporated* — Delaware

City Line Hospitality Holdings, LP  
4991 New Design Rd., Suite 109, Frederick, MD 21703  
*Partnership* — Plamondon Altoona Holdings, LLC

Colchester Global Bond Fund - 130/30 Currency Hedged, The  
885 Third Ave., 24th Fl., New York, NY 10022

ColSpace Corporation  
41 E. 11th St., New York, NY 10003  
*State or country in which incorporated* — Delaware

Construction Robotics, LLC  
7385 Willowbrook Rd., Victor, NY 14564  
*State or country in which incorporated* — New York

CP Security, Inc.  
4723 Goodnight Trail, Amarillo, TX 79109  
*State or country in which incorporated* — Delaware

Culinary Agents Inc.  
79 Madison Ave., 2nd Fl., New York, NY 10016  
*State or country in which incorporated* — Delaware

DCM Uptown, LP  
1400 McKinney St., Suite 2904, Houston, TX 77010  
*Partnership* — DCM Uptown GP, LLC, general partner

Dos Toros Holdings LLC  
41 Union Sq. W, Suite 820, New York, NY 10003  
*State or country in which incorporated* — New York

Draper Associates V, L.P.  
2882 Sand Hill Rd., Suite 150, Menlo Park, CA 94025  
*Partnership* — Draper Associates V, LLC, general partner

Equine Forces Limited Partnership  
c/o Maples Corporate Services Limited, P.O. Box 309, Ugland House,  
Grand Cayman, Cayman Islands KY1-1104  
*Partnership* — Equine Forces Limited

Felix Management GP LP  
50 Lothian Rd., Festival Sq., Edinburgh EH3 9WJ, United Kingdom  
*Partnership* — Felix Management GP I LLP

First Floor Fund, LLC, The  
1205 Freedom Blvd., Suite 2, Watsonville, CA 95076  
*State or country in which incorporated* — California limited liability  
company

Flick USA LLC  
c/o RudinPlay, Inc., c/o Kate Morrow, Barrow Street Theater, 27 Bar-  
row St., New York, NY 10014  
*State or country in which incorporated* — Delaware limited liability  
company

Fonu2, Inc.  
135 Goshen Rd. Extension, Suite 205, Rincon, GA 31326  
*State or country in which incorporated* — Nevada

Freeport First Lien Loan Fund III LP  
c/o Freeport Financial, 300 N. LaSalle St., Suite 5300, Chicago, IL  
60654  
*Partnership* — Freeport GP III LLC

Gracian Short Alpha I LLC  
c/o Gracian Capital LLC, 16236 San Dieguito Rd., Suite 3-23, Rancho  
Santa Fe, CA 92067

GulfShore Bancshares, Inc.  
41 S. Florida Ave., Suite 101, Tampa, FL 33602  
*State or country in which incorporated* — Florida

Home Bistro, Inc.  
500 Bi-County Blvd., Suite 400, Farmingdale, NY 11735  
*State or country in which incorporated* — Delaware

Hunters Price, LP  
4125 Centurion Way, #200, Addison, TX 75001  
*Partnership* — Hunters Price Operating GP, LLC

ICRE Feeder Fund, L.P.  
2001 Ross Ave., Suite 3400, Dallas, TX 75201  
*Partnership* — IRI Core I, L.P.

Imagen Biopharma, Inc.  
401 Wilshire Blvd., Suite 1020, Santa Monica, CA 90401  
*State or country in which incorporated* — Delaware

Interval Offshore Fund, Ltd.  
c/o Maples Corporate Services Limited, Box 309, Ugland House,  
Grand Cayman, Cayman Islands KY1-1104  
*State or country in which incorporated* — Cayman Islands

John Laing Group plc  
One Kingsway, London, WC2B 6AN, United Kingdom  
*State or country in which incorporated* — United Kingdom

Johnnie-O  
2712 Wilshire Blvd., Santa Monica, CA 90403  
*State or country in which incorporated* — California

Laidlaw & Company, Ltd.  
546 5th Ave., New York, NY 10036

Lemont Inc.  
61-12 228th St., 1st Fl., Bayside, NY 11364  
*State or country in which incorporated* — New York

M5 Real Estate LP  
411 N. Kenter Ave., Los Angeles, CA 90049  
*Partnership* — Kenter Canyon Capital, LLC

MabVax Therapeutics Holdings, Inc.  
11588 Sorrento Valley Rd., Suite 20, San Diego, CA 92121  
*State or country in which incorporated* — Delaware

Maxim Group LLC  
405 Lexington Ave., #2, New York, NY 10174  
*State or country in which incorporated* — New York

Metropolitan Capital Bancorp, Inc.  
Nine E. Ontario St., Chicago, IL 60611  
*State or country in which incorporated* — Illinois

MidOcean Partners IV, L.P.  
c/o MidOcean Partners, 320 Park Ave., Suite 1600, New York, NY  
10022  
*Partnership* — MidOcean Associates IV, L.P.

Monarch Bay Securities, LLC  
5000 Birch St., Suite 4800, Newport Beach, CA 92660

Muzik LLC  
404 Washington Ave., Suite 700, Miami Beach, FL 33139  
*State or country in which incorporated* — Delaware

Network 1 Financial Securities, Inc.  
The Galleria, Penthouse, 2 Bridge Ave., Bldg. 2, Red Bank, NJ 07701  
*State or country in which incorporated* — Texas

North Country Roots, Inc.  
64 Trafalgar Dr., Plattsburgh, NY 12901  
*State or country in which incorporated* — New York

Northern Uranium Corp.  
203-1634 Harvey Ave., Kelowna, British Columbia V1Y 6G2  
*State or country in which incorporated* — Canada

Offshore Brazil II Hotel Investors Fund LP  
45 Rockefeller Plaza, 31st Fl., New York, NY 10111  
*State or country in which incorporated* — Cayman Islands

Offshore Rio Hospitality Investments Fund LP  
45 Rockefeller Plaza, 31st Fl., New York, NY 10111  
*State or country in which incorporated* — Cayman Islands

Offshore Sao Paulo Hotel Enterprises Fund LP  
45 Rockefeller Plaza, 31st Fl., New York, NY 10111  
*State or country in which incorporated* — Cayman Islands

Palladium Capital Advisors, LLC  
230 Park Ave., Suite 539, New York, NY 10169

Postx Api, Inc.  
33 W. 17th St., 5th Fl., New York, NY 10011  
*State or country in which incorporated* — Delaware

RA Capital Healthcare International Fund Ltd.  
c/o Maples & Calder Ltd., P.O. Box 309, Ugland House, S. Church  
St., Georgetown, Grand Cayman, Cayman Islands KY1-1104  
*State or country in which incorporated* — Cayman Islands



Revised Fundamentals LLC  
c/o Shedler & Cohen, LLP, 350 Fifth Ave., Suite 3505, New York,  
NY 10118  
*State or country in which incorporated* — New York

RiverOak NYC I, LLC  
c/o MKRO 1A, LLC, One Atlantic St., Suite 703, Stamford, CT 06901  
*State or country in which incorporated* — Delaware limited liability  
company

Row Diversified Fund, L.P.  
450 Newport Center Dr., Suite 420, Newport Beach, CA 92660  
*Partnership* — Row Asset Management, LLC

SEI Investments Distribution Co.  
One Freedom Valley Rd., Oaks, PA 19456  
*State or country in which incorporated* — Pennsylvania

Sixpoint Partners LLC  
830 Third Ave., 8th Fl., New York, NY 10022

SP100 Special Opportunity Fund, LLC  
1370 Willow Rd., Menlo Park, CA 94025  
*State or country in which incorporated* — Delaware

Spring Fertility Management LLC  
329 Bay St., #304, San Francisco, CA 94133

Stermax Merger Opportunities Fund, LP  
147 E. 48th St., New York, NY 10017  
*Partnership* — SMOF General Partner, LLC

TemperPak Technologies Inc.  
8308 Osage Terrace, Adelphi, MD 20783  
*State or country in which incorporated* — Delaware

TengWirth, Inc.  
349 Fifth Ave., Office #414, New York, NY 10016  
*State or country in which incorporated* — Delaware

Tiger Media, Inc.  
2650 N. Military Trail, Suite 300, Boca Raton, FL 33431  
*State or country in which incorporated* — Delaware

Tone Mobile LLC  
205 E. 42nd St., 17th Fl., New York, NY 10016  
*State or country in which incorporated* — Delaware

Townsend Real Estate Alpha Fund II, L.P.  
1660 W. Second St., Suite 450, Cleveland, OH 44113  
*Partnership* — Townsend Alpha Manager II, LLC

Tulip Products, Inc.  
One Greene St., Apt. 810, Jersey City, NJ 07302  
*State or country in which incorporated* — Delaware

Union Square Park Partners, LP  
850 Third Ave., Suite 20B, New York, NY 10022  
*Partnership* — Union Square Park GP, LLC

Universa Black Swan Protection Protocol XVIII L.P.  
2601 S. Bayshore Dr., Suite 2030, Miami, FL 33133  
*Partnership* — Universa Black Swan GP XVIII LLC, general partner

WGI Emerging Markets Smaller Companies Fund, LLC  
One Financial Center, Suite 1620, Boston, MA 02110  
*Partnership* — Westwood Global Investments, LLC



# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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Division of Homeland Security and Emergency  
Services  
1220 Washington Ave.  
State Campus, Bldg. 7A  
Albany, NY 12242

ELIGIBLE VOLUNTEER FIRE DEPARTMENTS, VOLUNTEER EMERGENCY SERVICE ORGANIZATIONS AND STATEWIDE ORGANIZATIONS THAT REPRESENT THE INTERESTS OF VOLUNTEER FIREFIGHTERS AND/OR VOLUNTEER EMERGENCY SERVICES PERSONNEL

## **Fiscal Year 2015-2016 Recruitment and Retention Grant Program**

Fiscal Year 2015-2016 Recruitment and Retention Grant Program seeks applications for up to \$25,000 in state funding made available by the NYS Division of Homeland Security and Emergency Services (DHSES) for programs designed to promote the development of, or support existing, regional recruitment and retention efforts. All awards are subject to availability of funds, pursuant to the provisions of sections 209-G and 630-b of the New York State Tax Law. This Grant Program is intended to promote the recruitment and retention of volunteer firefighters and volunteer emergency services personnel through the following primary objectives: 1.) Support organizational leadership development through education and training; and, 2.) Develop and implement recruitment and retention programs and materials. Funds will be awarded competitively based on the submission of applications by eligible volunteer fire departments, volunteer emergency service organizations and statewide organizations that represent the interests of volunteer firefighters and/or volunteer emergency services personnel.

Applications will be accepted from April 14, 2015 through 11:59 p.m. on June 11, 2015 and must be submitted to DHSES's grants inbox: [grants@dhSES.ny.gov](mailto:grants@dhSES.ny.gov).

For the Request for Applications (RFA) please visit the Division of Homeland Security and Emergency Services (DHSES) website at <http://www.dhSES.ny.gov/grants> or DHSES's Grant Hotline at (866) 837-9133.



# MISCELLANEOUS NOTICES/HEARINGS

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## 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](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

### Department of Agriculture And Markets

Pursuant to Agriculture and Markets Law § 284-a, Notice is hereby given that the Department of Agriculture and Markets has designated the Schoharie County Cuisine Trail, promoted as the "Schoharie County Beverage Trail," described as:

Beginning at the intersection of NY State Route 10 and Schoharie County Route 20 near the hamlet of Summit and continuing east on Schoharie County Route 20 to Schoharie County Route 4, and continuing southeast on Schoharie County Route 4 to NY State Route 30, continuing north on NY State Route 30 to the intersection with NY State Route 145 near the village of Middleburgh, continuing north on NY State Route 145 to the intersection with NY State Route 7, continuing west on NY State Route 7 through the village of Cobleskill to the intersection with NY State Route 10 near the village of Richmondville, and continuing south on NY State Route 10 to the intersection with Schoharie County Route 20 near the hamlet of Summit.

*For further information, please contact:* Marcy Kugeman, Agricultural Development, Department of Agriculture, 10B Airline Dr., Albany, NY 12235, (518) 457-1977, (518) 457- 2716 (Fax)

## PUBLIC NOTICE

### Division of Criminal Justice Services Law Enforcement Agency Accreditation Council

Pursuant to Public Officers Law § 104, the Division of Criminal Justice Services gives notice of a meeting of the Law Enforcement Agency Accreditation Council to be held on:

Date: June 18, 2015  
Time: 10:00 a.m.  
Place: Division of Criminal Justice Services  
Alfred E. Smith Office Bldg.

80 S. Swan St.  
CrimeStat Rm. (Rm. 118)  
Albany, NY 12210

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, please contact:* Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

## PUBLIC NOTICE

### Division of Criminal Justice Services Municipal Police Training Council

Pursuant to Public Officers Law § 104, the Division of Criminal Justice Services gives notice of a meeting of the Municipal Police Training Council to be held on:

Date: June 3, 2015  
Time: 10:00 a.m.  
Place: Division of Criminal Justice Services  
Alfred E. Smith Office Bldg.  
80 S. Swan St.  
CrimeStat Rm. (Rm. 118)  
Albany, NY 12210

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, please contact:* Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

## PUBLIC NOTICE

### Department of Environmental Conservation

TITLE: Notice of Cultivars Exempt from 6 NYCRR Part 575 Regulations

PROJECT LOCATIONS: Statewide

PROJECT DESCRIPTION:

A regulation, 6 NYCRR Part 575 Prohibited and Regulated Invasive Species, was adopted in July 2014 that prohibits or regulates the possession, transport, importation, sale, purchase and introduction of certain invasive species. The purpose of this regulation is to help control invasive species by reducing their introduction and spread.

This regulation became effective March 10, 2015. Section 575.8 of the regulation provides an exemption for cultivars of prohibited or regulated species for which the Department of Environmental Conservation determines that: 1) the primary means of reproduction of the cultivar's parent species is sexual, not vegetative, and 2) that the cultivar and its offspring do not revert to express the invasive characteristics of the parent.

The Department has assessed several cultivars of prohibited and regulated species, using a standard scientifically rigorous assessment



protocol, and has determined that the cultivars listed below meet the exemption qualifications of 575.8 (a)(4). Individual cultivar assessments are available upon request. Therefore, a person may legally possess, sell, import, purchase, transport, or introduce the following plant cultivars and no labeling requirements apply:

Prohibited Species

Common Name	Scientific Name	Cultivar Name	Trademark Name	Accession Number	Patent	Status
Japanese Barberry	Berberis thunbergii	'Aurea'				Conditionally Exempt

Regulated Species

Common Name	Scientific Name	Cultivar Name	Trademark Name	Accession Number	Patent	Status
Chinese Silvergrass	Miscanthus sinensis	'NCMS1'	My Fair Maiden	H2008-091-004	PPAF	Conditionally Exempt
Winter creeper	Euonymus fortunei	'Kewensis'				Conditionally Exempt
Winter creeper	Euonymus fortunei	'Vanilla Frosting'				Conditionally Exempt

Conditionally Exempt – Cultivars exempt from Part 575 Prohibited and Regulated requirements, subject to periodic re-evaluation.

Questions should be directed to: Department of Environmental Conservation, Lands and Forests, Invasive Species Coordination Unit, Dave Adams at (518) 402-9405, or isinfo@dec.ny.gov

PUBLIC NOTICE

Susquehanna River Basin Commission

Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on June 4, 2015, in Baltimore, Maryland. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

DATE: June 4, 2015, at 9:00 a.m.

ADDRESS: City Crescent Building, 4th Floor, EEOC Conference Room, 10 S. Howard Street, Baltimore, Md. 21201. (The recommended parking option is to park at the Arena Garage, 99 S. Howard Street, Baltimore, Md. – for all available parking options, see <http://bit.ly/1F1wjWz>.)

FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Lower Susquehanna Subbasin area; (2) election of officers for FY-2016; (3) the proposed Water Resources Program for fiscal years 2016 and 2017; (4) FY-2016 Regulatory Program Fee Schedule; (5) adoption of a FY-2017 budget; (6) regulatory compliance matter for Wyoming Valley Country Club; (7) Augusta Water, Inc. request for waiver of application required by 18 CFR 806.6(d)(1) and transfer of Docket No. 20021014; (8) Shrewsbury Borough Council (York County, Pa.) request for waiver of applications required by 18 CFR 806.4(a)(2)(ii); (9) notice for Four Seasons Golf Course project sponsor to appear and show cause before the Commission; and (10) Regulatory Program projects.

Projects, the fee schedule, and requests for waiver listed for Commission action are those that were the subject of a public hearing conducted by the Commission on April 30, 2015, and identified in the notice for such hearing, which was published in 80 FR 18276, April 3, 2015.

Opportunity to Appear and Comment:

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of

Conduct, which are posted on the Commission's website, [www.srbcc.net](http://www.srbcc.net). As identified in the public hearing notices referenced above, written comments on the Regulatory Program projects, the fee schedule, and requests for waiver that were the subject of a public hearing, and are listed for action at the business meeting, are subject to a comment deadline of May 11, 2015. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through <http://www.srbcc.net/pubinfo/publicparticipation.htm>. Any such comments mailed or electronically submitted must be received by the Commission on or before May 29, 2015, to be considered.

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

Dated: May 4, 2015.

Stephanie L. Richardson

Secretary to the Commission.

PUBLIC NOTICE

Department of State

The Department of State announces the availability of New York State's draft Section 309 Combined Assessment and Strategy for 2016 – 2020, a public document pursuant to 15 CFR part 923 subpart K, for public review and comment. The Department of State prepared the Combined Assessment and Strategy as the administrator of the New York State Coastal Management Program (CMP), for approval by the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM), in order for the State to be eligible for federal Coastal Zone Management Act Section 309 funding in FY2016-2020.

The Section 309 Combined Assessment and Strategy for 2016 – 2020 is presented in two parts. The first part is an assessment section which describes the current status and associated accomplishments by New York State in each of nine federal "priority enhancement areas" (Wetlands, Coastal Hazards, Public Access, Marine Debris, Cumulative and Secondary Impacts, Special Area Management Planning, Ocean/Great Lakes Resources, Energy and Government Facility Siting, and Aquaculture) over the past five years, 2011 – 2015. The second part presents strategies and projects the Department of State will advance over the next five years using federal Section 309 funds to: improve regional resilience along the South Shore of Long Island by preparing regional resilience plans for Nassau and Suffolk Counties; preparing ten community recovery and resilience plans to address the needs of the Long Island south shore Towns of Islip, Brookhaven, and Southampton, and Villages of Patchogue, Westhampton, Westhampton Beach, Quogue, and Southampton; and supporting improved resilience along New York's Great Lakes coastlines through development of a regional planning approach that takes into consideration local physical characteristics and addresses coastal community needs.

The draft Section 309 Combined Assessment and Strategy is available for review at <http://www.dos.ny.gov/opd/publicNotices/notices.html>. Comments on the draft document should be sent in writing via e-mail to [opd@dos.ny.gov](mailto:opd@dos.ny.gov). Please type 'Comments on Draft 309 Assessment and Strategy' in the e-mail's subject line. Comments are due no later than close of business Monday, June 22, 2015.

PUBLIC NOTICE

Department of State

F-2015-0296

Date of Issuance – May 20, 2015

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

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

tency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2015-0296, Americas Styrenics, LLC, Gales Ferry, CT; The applicant has submitted an application to the U.S. Army Corps of Engineers, New England District to perform maintenance dredging within the Thames River. A total of approximately 100,000 cy of material will be dredged mechanically with subsequent un-confined open-water disposal at the Central Long Island Sound Disposal Site (CLIS). The CLIS is a 11.04 km<sup>2</sup> (3.2 nmi<sup>2</sup>) area, centered at 41° 08.950'N, 72° 52.950'W and is located approximately 10.89km (5.6 nmi) south of South End Point, East Haven, CT.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, June 4, 2015.

Comments should be addressed to the New York State Department of State, ATTN: Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Avenue, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov.

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



# COURT NOTICES

## AMENDMENT OF RULE

### Court of Appeals

At a session of the Court, held in the City of White Plains, on the 30th day of April, 2015

Present, HON. JONATHAN LIPPMAN, Chief Judge presiding.

In the Matter of The Amendment of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law

Pursuant to section 53 of the Judiciary Law, it is hereby ORDERED that sections 520.2, 520.7, 520.8, 520.9, 520.12 and 520.16 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR § § 520.2, 520.7, 520.8, 520.9, 520.12, 520.16) are amended, effective May 20, 2015, or as soon thereafter as section 52 of the Judiciary Law is complied with, by deleting the bracketed material and adding the italicized material.

#### § 520.2 Admission Upon Examination

(a) [Proof Required by the New York State Board of Law Examiners.] *Application to sit for the New York State bar examination. An applicant who seeks to sit for [admission to] the New York State bar examination prescribed in section 520.8 of this Part shall furnish to the New York State Board of Law Examiners, in accordance with its rules, proof satisfactory to said [b]Board:*

- (1) that *the applicant is [over] at least 21 years of age;*
- (2) as to the *applicant's date [and place] of birth; and*
- (3) that *the applicant has complied with section 520.3, 520.4, 520.5, 520.6 or 520.17 of this Part.*

(b) *Transfer of Uniform Bar Examination Score Earned in Another Jurisdiction. Effective October 1, 2016, an applicant who sat for the Uniform Bar Examination in another jurisdiction may transfer the score earned on that examination to New York in lieu of taking the Uniform Bar Examination in this State. The applicant shall pay to the New York State Board of Law Examiners the fee prescribed by section 465 of the Judiciary Law and shall file with the Board, in accordance with its rules, proof satisfactory to said Board that the applicant:*

(1) *has achieved a score on the Uniform Bar Examination, as reported by the National Conference of Bar Examiners, that is equal to or greater than the passing score established by the New York State Board of Law Examiners;*

(2) *has attained educational qualifications that are at least equal to those required by section 520.3, 520.4, 520.5, 520.6 or 520.17 of this Part;*

(3) *has completed the additional requirements for admission prescribed in section 520.9 of this Part; and*

(4) *is at least 21 years of age, as established by proof of the applicant's date of birth.*

#### § 520.7 Certification by Board of Law Examiners

(a) Except as provided in section 520.10 of this Part, no applicant for admission to practice in this State shall be admitted unless the New York State Board of Law Examiners shall have certified to the Appellate Division of the department in which, as shown by the papers filed by the applicant with the [b]Board, the applicant resides, or if not a resident of the State, in which such papers show that *the applicant is employed full-time, or, if the applicant does not reside and is not employed full-time in the State, to the Appellate Division of the Third Department, that the applicant (1) has passed the [written] New York State bar examination prescribed in section 520.8 of this Part[,] or has*

*satisfied the requirements for transfer of a Uniform Bar Examination score as set forth in subdivision (b) of section 520.2 of this Part, and (2) has [also passed the Multistate Professional Responsibility Examination described in] demonstrated compliance with the requirements of section 520.9 of this Part.*

(b) [The requirement of this Part shall first be applicable to those candidates for admission to practice law in New York who qualify for and take the July 1982 regular New York State bar examination and to all those who thereafter qualify for and take such examinations.] *Applicants who seek admission in New York based on passage of the New York State bar examination administered prior to July 2016 need not demonstrate compliance with paragraphs (2) and (3) of subdivision (a) of section 520.9 of this Part.*

#### § 520.8 New York State Bar Examination

(a) General. The New York State Board of Law Examiners shall twice each year [conduct a written bar examination consisting of legal problems in both adjective and substantive law, and it shall by rule prescribe a list of subjects which will indicate the general scope of the bar examination. The board may use the Multistate Bar Examination as part of the bar examination.] *administer the New York State bar examination, which, effective for the July 2016 administration of the bar examination, shall consist of the Uniform Bar Examination, developed by the National Conference of Bar Examiners.*

(b) [Uniformity of Bar Examinations. The bar examinations shall be as nearly uniform from year to year as is reasonably practicable.

(c) [Preservation of Papers. Bar examination papers shall be preserved for a period of four months from the date of the announcement of the results of the bar examination, and may thereafter be destroyed.

(c) *Passing score. The New York State Board of Law Examiners shall determine the passing score for the Uniform Bar Examination.*

(d) Examination Fee. Every applicant for [a bar examination] *the New York State bar examination shall pay to the New York State Board of Law Examiners the fee prescribed by section 465 of the Judiciary Law.*

#### § 520.9 Additional Requirements for Applicants for Admission Upon Examination

(a) *All applicants for admission upon examination, including applicants who sat for the Uniform Bar Examination in another jurisdiction and seek to transfer the score earned on that examination to New York, must satisfy the following requirements.*

##### (1) Multistate Professional Responsibility Exam.

(i) General. Applicants must achieve a passing score on the Multistate Professional Responsibility Exam developed and administered by the National Conference of Bar Examiners.

(ii) Timing. An applicant may take the Multistate Professional Responsibility Exam prior or subsequent to the Uniform Bar Examination, whether taken in New York or another jurisdiction, subject to the rules of the New York State Board of Law Examiners. The fee to take the Multistate Professional Responsibility Exam shall be fixed by the National Conference of Bar Examiners.

(iii) Passing score. The New York State Board of Law Examiners shall determine the passing score for the Multistate Professional Responsibility Exam for applicants seeking admission to practice in this State.

(iv) Reexamination. There shall be no restriction on the right



of a failing applicant to retake the Multistate Professional Responsibility Exam.

(2) *New York Law Course.*

(i) *General.* Applicants must successfully complete the New York Law Course, which shall consist of lectures on New York law. The content and method of delivery of the New York Law Course shall be determined by the New York State Board of Law Examiners.

(ii) *Timing.* An applicant may complete the New York Law Course up to one year before or anytime after the date on which the applicant first sits for the Uniform Bar Examination, subject to the application filing deadline of subdivision (d) of section 520.12 of this Part.

(3) *New York Law Examination.*

(i) *General.* Applicants must pass the New York Law Examination, which shall test on New York law. The content and method of examination, and the fee to take the examination, shall be determined by the New York State Board of Law Examiners.

(ii) *Timing.* Provided the New York Law Course has been successfully completed, an applicant may take the New York Law Examination up to one year before or anytime after the date on which the applicant first sits for the Uniform Bar Examination, subject to the application filing deadline of subdivision (d) of section 520.12 of this Part.

(iii) *Passing score.* The New York State Board of Law Examiners shall determine the passing score for the New York Law Examination.

(iv) *Reexamination.* There shall be no restriction on the right of a failing applicant to retake the New York Law Examination.

(v) *Expiration of New York Law Examination passing score.* A passing score on the New York Law Examination is valid for three years from the date the applicant received the passing score. The New York State Board of Law Examiners shall not certify an applicant for admission pursuant to section 520.7 of this Part if the New York Law Examination score is more than three years old.

(b) *The requirements of paragraphs (2) and (3) of subdivision (a) of this section shall not apply to applicants who seek admission in New York based on passage of the New York State bar examination administered prior to July 2016.*

§ 520.16 Pro Bono Requirement for Bar Admission

(a) *General.* The Multistate Professional Responsibility Examination referred to in section 520.7 of this Part shall be the examination bearing that name which is administered by the National Conference of Bar Examiners.

(b) *Requirements and Times and Places for Taking Examination.* An applicant may take the Multistate Professional Responsibility Examination prior or subsequent to completion of the requirements for taking the New York State bar examination. An application to take the Multistate Professional Responsibility Examination shall be filed with the National Conference of Bar Examiners and the fee therefor shall be fixed by and paid to that conference, which shall also fix the times and places, within or without the State of New York, for taking the examination.

(c) *Passing Score.* The New York State Board of Law Examiners may accept the scores attained by individual applicants on the examination as determined and reported to it by the National Conference of Bar Examiners, but such board shall determine the passing score for applicants seeking admission to practice in this State.

(d) *Reexamination.* There shall be no restriction on the right of a failing applicant to retake the Multistate Professional Responsibility Examination.]

§ 520.12 Proof of Moral Character

(a) *General.* Every applicant for admission to practice must file with a committee on character and fitness appointed by the Appellate Division of the Supreme Court affidavits of reputable persons that the applicant possesses the good moral character and general fitness requisite for an attorney and counselor-at-law as required by section 90 of the Judiciary Law. The number of such affidavits and the qualifications of persons acceptable as affiants shall be determined by the Appellate Division to which the applicant has been certified.

(b) *Affidavits.* The affidavits filed shall state that the applicant is, to

the knowledge of the affiant, a person of good moral character and possesses the general fitness requisite for an attorney and counselor-at-law and shall set forth in detail the facts upon which such knowledge is based. Such affidavits shall not be conclusive proof as to character and fitness, and the Appellate Division to which the applicant has been certified may inquire further through its committee on character and fitness or otherwise.

(c) *Discretion of Appellate Division.* The Appellate Division in each department may adopt for its department such additional procedures for ascertaining the moral character and general fitness of applicants as it may deem proper, which may include submission of a report of the National Conference of Bar Examiners.

(d) *Time to File [Affidavits] Admission Application.*

(1) [Except as provided in paragraph (2) of this subdivision, e] Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall file a complete application for admission, including the affidavits required under subdivision (a) and any additional material required under subdivision (c) of this section, within three years from the date when the applicant sits for the second day of the Uniform Bar Examination, whether taken in New York or in another jurisdiction. The requirements of this subdivision shall not apply to any applicant for admission who has passed the New York State bar examination administered prior to July 2016. [of the letter sent by the New York State Board of Law Examiners notifying the applicant that the applicant has passed the bar examination prescribed in section 520.8 of this Part. The requirements of this subdivision shall first be applicable to those applicants for admission who pass the July 1994 bar examination.]

(2) Any applicant for admission to practice who has passed the New York State bar examination [prescribed in section 520.8 of this Part,] administered prior to [July 1994, and who has not filed] July 2016 shall file a complete application for admission, including the affidavits required under subdivision (a) and any additional material required under subdivision (c) of this section, [must file such affidavits] within three years from the date of the letter sent by the New York State Board of Law Examiners notifying the applicant that the applicant has passed the bar examination[, or by November 9, 1995, whichever date is later].

§ 520.16 Pro Bono Requirement for Bar Admission

(a) *Fifty-hour pro bono requirement.* Every applicant admitted to the New York State bar on or after January 1, 2015, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall complete at least 50 hours of qualifying pro bono service prior to filing an application for admission with the appropriate Appellate Division department of the Supreme Court.

(b) *Pro bono service defined.* For purposes of this section, pro bono service is supervised pre-admission law-related work that:

(1) assists in the provision of legal services without charge for

(i) persons of limited means;

(ii) not-for-profit organizations; or

(iii) individuals, groups or organizations seeking to secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties or public rights;

(2) assists in the provision of legal assistance in public service for a judicial, legislative, executive or other governmental entity; or

(3) provides legal services pursuant to subdivisions two and three of section 484 of the Judiciary Law, or pursuant to equivalent legal authority in the jurisdiction where the services are performed.

(c) *Supervision required.* All qualifying pre-admission pro bono work must be performed under the supervision of:

(1) a member of a law school faculty, including adjunct faculty, or an instructor employed by a law school;

(2) an attorney admitted to practice and in good standing in the jurisdiction where the work is performed; or

(3) in the case of a clerkship or externship in a court system, by a judge or attorney employed by the court system.

(d) *Location of pro bono service.* The 50 hours of pro bono service, or any portion thereof, may be completed in any state or territory of the United States, the District of Columbia, or any foreign country.



(e) Timing of pro bono service. The 50 hours of pro bono service m[ay]ust be performed [at any time] *on or after May 1, 2012 and after the commencement of the applicant's legal studies, and prior to filing an application for admission to the New York State bar. However, if the applicant attended an approved law school as defined in section 520.3(b) of this Part and will be admitted on or before December 31, 2015, eligible pro bono work may have been performed before May 1, 2012, provided it was performed after the commencement of the applicant's legal studies.*

(f) Proof required. Every applicant for admission shall file with the appropriate Appellate Division department an Affidavit of Compliance with the Pro Bono Requirement, describing the nature and dates of pro bono service and the number of hours completed. The Affidavit of Compliance shall include a certification by the supervising attorney or judge confirming the applicant's pro bono activities. For each position used to satisfy the 50-hour requirement, the applicant shall file a separate Affidavit of Compliance.

(g) Prohibition on political activities. An applicant may not satisfy any part of the 50-hour requirement by participating in partisan political activities.

